

**GARY MILLIMAN**  
**MUNICIPAL COURT JUDGE**  
**PORT ORFORD – BROOKINGS – POWERS – LAKESIDE**

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Joint Committee on the First Special Session

June 23, 2020

**RE: HB 4210 Driving Privilege Suspensions – Oppose – Study Further**

It has just come to my attention that HB 4065 from the last session has been re-cast as HB 4210 and will be considered by your Committee tomorrow.

The purpose of this letter is to oppose HB 4210, and to offer an alternative. And, to provide a perspective on this matter from a Municipal Court Judge serving in three rural southwestern Oregon cities.

I have served as a Municipal Court Judge and/or Judge Pro Tem for seven years, primarily hearing traffic violation cases. I also served as a court administrator while serving as City Manager in Brookings for 12 years.

My first reaction to HB 4065/4210 was that it is unnecessary. In the courts in which I serve defendants are provided with ample notice and opportunity to contact the court or appear in court. Indeed, I receive 20-30 letters each month from defendants seeking some form of financial consideration in connection with their case. I read and consider each letter. Additionally, defendants who appear in court are invited to explain the circumstances of their case and often request some form of financial consideration. In every case I ask the defendant questions to secure some basic information about their employment status and ability to pay. I do not require any documentation.

After considering all of the information I often take one or more of the following actions:

1. Reduce the amount of fine.
2. Authorize the defendant to enter a payment plan. Payment plans can be as low as \$25.00 per month with no interest. Defendants can retain their driving privileges so long as they remain current on their payments.
3. Allow the defendant to perform community service in lieu of paying a fine (currently only available in Brookings). Defendants typically work with a local non-profit to

perform community service on their own schedule without impacting their employment.

We also offer all (except CDL holders) first-time violators the opportunity to complete an on-line “traffic school” to avoid having a violation appear on their driving record.

**However, I now realize that these practices are not universal. For example, in the Curry County Circuit Court, none of these options are available.**

In reducing the amount of fine, I consider the following:

- Testimony or written statement by the defendant that payment would be a financial hardship.
- Employment status.
- Limited sources of income other than employment such as Social Security.
- The cost of compliance. I will often reduce the fine in an amount equal to the cost of making equipment defect repairs, attending traffic school, or other matters contributing to compliance with licensing, registration and insurance requirements.
- Other factors that may have a bearing on the matter.

In Port Orford, I have found that many defendants simply choose to ignore the citation issued to them. A high percentage of citation recipients reside out of the area and/or out of state. They simply believe that if they choose not to travel through our community in the future, they will not be held accountable for the violation. These out-of-area and out-of-state drivers are only held accountable by threat of or actual implementation of suspension of driving privileges.

Public safety is a major concern. In both Brookings and Port Orford, Highway 101 is the town’s “Main Street.” In Port Orford, there is a school located on Highway 101 with a school crosswalk. I have seen many defendants who have sped through the school zone warning lights at speeds up to three times the posted speed limit. Just recently we had a defendant who was driving at 77 miles per hour in a 30-speed zone. This is a dangerous condition in a small town with many intersecting streets and children on adjacent sidewalks. I fear that such violators will be held unaccountable under HB 4065.

**If the Legislature feels that it must take some action concerning this matter in the Special Session, I recommend that State funding be appropriated to study the matter and develop alternatives for possible future legislation.** My recommendation is that legislation designate the Center for Public Service at the Portland state University, Mark Hatfield School of Government as the agency to conduct the study. This work would include researching the impact of the current system on persons of low income, and developing recommendations for

alternative approaches...perhaps enacting some of the approaches used in many of the municipal courts...payment plans, community service...as universal alternative best practices.

I understand the underlying goal of HB 4210. I believe "the fix" is not to destroy the existing system. In small cities such as Port Orford, Brookings and Powers, the motivation for traffic enforcement is not revenue; it's public safety. My goal as judge is to assist drivers in securing compliance with traffic safety, vehicle registration, licensing and insurance regulations. I hope that is also your goal.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gary Hillman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cc: Cities of Brookings, Port Orford, Powers, Lakeside  
Oregon Municipal Judges Association  
Senator Peter Courtney  
Representative Tina Kotek  
Interested Parties