

To: House Judiciary Committee
From: Alicia Temple, Oregon Law Center
Date: February 1, 2022
Re: HB 4120 and eliminating minimum fines

Chair Bynum and members of the committee:

On behalf of the Oregon Law Center (OLC), I respectfully request your support for HB 4120, specifically the section to allow the flexibility needed to have a violation fine system that can be responsive to our low-income communities.

OLC's mission is to achieve justice for low-income communities in Oregon by providing a full range of the highest quality civil legal services. The vast majority of our clients have incomes at or below the federal poverty level, and work hard to provide basic necessities for themselves and their family. The crises of the past two years have exacerbated the challenges for our low-income community, and an increasing number of our clients are forced to make terrible choices between paying for rent, food, health care, or other necessities.

Traffic tickets are a fairly common occurrence among drivers, but the fines imposed have vastly different impacts on Oregonians. For moderate and high-income Oregonians, a ticket for a traffic violation is a minor inconvenience—they pay the fine and move on with their lives. However, for the 13% of Oregonians living in poverty, a \$100 ticket can be an insurmountable obstacle. Even when looking at just above the federal poverty line, at 125% FPL a family of four is only making \$32,188. If an individual gets a \$200 traffic ticket, they may have to make impossible choices between food, rent, or paying off their fine.

Currently Oregon law requires a minimum fine amount for violations that largely prevents a court from taking an individual's ability to pay into account at the time of setting the fine. Section 1 of HB 4120 changes this policy and provides courts with the discretion to be responsive to individual circumstances as needed. By eliminating the minimum fine, a court could lower fine amounts and make it easier to allow for alternate ways of satisfying the fine.

The goal of traffic fines is to create safer roads by discouraging behaviors that incur fines. Having a set fine range, regardless of income, does not achieve greater road safety. Instead, it creates unequal consequences for those who do not have the funds to pay. Over the past few sessions, the Oregon Legislature has taken steps towards creating a more equal fines and fees structure in our violations systems, and HB 4120 is another important step towards a just system.