Chapter 484

1973 REPLACEMENT PART

Traffic Offense Procedures; Traffic Safety

TRAFFIC OFFENSE PROCEDURES

484.010 Definitions
484.020 Traffic offense proceedings to conform to ORS 484.010 to 484.320
484.030 Jurisdiction of courts
484.040 Venue for state traffic offense
484.100 Authority of police officer to arrest or issue citation
484.105 Authority of police officer to issue citation to driver involved in accident
484.110 Authority of weighmasters
484.120 Taking security for appearance of arrested person
484.130 Putting up bail, driver's license or other security by defendant
484.140 Guaranteed arrest bond certificate as security for appearance
484.150 Traffic citation requirements; exceptions; uniform citation
484.155 Private person may commence action for traffic offense
484.160 Minimum requirements for summons
484.170 Minimum requirements for complaint
484.180 Delivery of summons to person cited; delivery of other parts of citation
484.190 Appearance by defendant
484.200 Effect of statement in explanation or mitigation
484.210 Fixing hearing date; notice to defendant; license suspension for failure to appear
484.220 Hearing discretionary with court; exceptions
484.222 Impounding vehicles operated by driver convicted under ORS 482.650; redemption; suspension of registration; rights of security interest holders
484.230 Warrant for arrest
484.240 Reports of convictions and bail forfeitures to Motor Vehicles Division
484.250 Disposition of moneys collected by courts
484.260 Delinquency in paying moneys under ORS 484.250
484.310 Establishment of violations bureau authorized
484.320 Payment of fines to violations bureau; exceptions

TRAFFIC SAFETY COMMISSION

484.510 "Commission" defined
484.520 Traffic Safety Commission; appointment of members; compensation and expenses
484.550 Executive secretary; staff
484.560 Governor's authority to carry out ORS 484.510 to 484.600
484.570 Duties of commission
484.580 City and county highway safety programs authorized
484.590 Review of city and county highway safety programs; function of Governor
484.595 Traffic Safety Commission Account
484.600 Highway Safety Trust Account

HABITUAL OFFENDERS

484.700 Short title
484.705 Definitions for ORS 484.700 to 484.750
484.710 Policy
484.715 Action by division upon receipt of abstract of conviction or bail forfeiture relating to traffic offense; meeting with licensee
484.720 Administrator to certify to district attorneys operating records of habitual offenders; proceedings against habitual offenders
484.725 Order to show cause why habitual offender should not be barred from vehicle operation; service of order; procedure for review of convictions
484.730 Dismissal of proceedings brought against innocent persons; order to habitual offender not to operate vehicles and to surrender operating licenses and permits
484.735 Limitation on issuance of operating license to habitual offenders
484.740 Effect of operating vehicle by person under court order to refrain from vehicle operation
484.745 Petition for restoration of privilege to operate vehicle by habitual offender; terms and conditions of restoring privilege
484.750 Appeal of order barring vehicle operation

PENALTIES

484.990 Penalties

CROSS REFERENCES

Arrest for major traffic offense when officer has probable cause to believe person committed offense, 133.310
Court rules for traffic offenses, 1.520
Drugs and alcohol, local laws prohibited except traffic regulation and regulation identical to certain state laws, 430.325
Implied consent law, 483.634 to 483.646
Program for persons convicted of driving under influence of alcohol; crimes committed while intoxicated, 430.850 to 430.880
Schoolgrounds, regulation of use of vehicles, 332.445

484.010

Juvenile court order remanding certain motor vehicle offenses involving children to other courts, 419.533

484.020

Juvenile court, handling of motor vehicle offenses by, 419.537 to 419.541

484.030

Juvenile court, transfer of certain proceedings involving children to, 419.478

484.040

Juvenile proceeding, venue, 419.480

484.250

Action by Department of Revenue against judicial officer for delinquent payment of certain moneys, 30.830
Disposition of moneys collected by the district court in criminal cases generally, 156.650

TRAFFIC OFFENSE PROCEDURES

484.010 Definitions. As used in ORS 1.510 to 1.530 and 484.010 to 484.320, unless the context otherwise requires:

(1) "Bail" means money or its equivalent deposited by a defendant to secure his appearance for a traffic offense.

(2) "City court" means a municipal court, whether or not it is exercising authority under the charter or ordinances of a city or as a justice court under the laws of this state.

(3) "City policeman" includes a city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

(4) "City traffic offense" means any violation of a traffic ordinance of a city, municipal or quasi-municipal corporation, except ordinances governing parking of vehicles.

(5) "Major traffic offense" means a violation of any of the following provisions of law or a city ordinance conforming thereto:

(a) Reckless driving, as defined in subsection (1) of ORS 483.992.

(b) Driving while under the influence of intoxicating liquor, dangerous drugs or narcotic drugs, as defined in subsection (2) of ORS 483.992 or ORS 483.999.

(c) Failure to perform the duties of a driver involved in an accident or collision, as defined in subsections (1) and (2) of ORS 483.602 and ORS 483.604, which would be punishable under subsection (1) of ORS 483.990.

(d) Operating a motor vehicle while the operator's or chauffeur's license is suspended or revoked, as defined in ORS 482.650.

(e) Fleeing or attempting to elude a traffic or police officer, as defined in subsection (1) of ORS 483.049.

(6) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

(7) "Police officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff and a city policeman.

(8) "State court" means a circuit, district or justice court or magistrate.

(9) "State traffic offense" means a violation of any provision of law for which a misdemeanor penalty is provided in ORS chapter 481, 482, 483, ORS 485.010 to 485.420, 485.990 and ORS chapter 486 or 767.

(10) "Traffic offense" includes an offense mentioned in subsections (4), (5) and (9) of this section.

[1959 c.664 §1; 1963 c.510 §4; subsection (6) enacted as 1967 c.579 §3; 1969 c.696 §3; 1973 c.798 §2a; 1973 c.836 §353]

484.020 Traffic offense proceedings to conform to ORS 484.010 to 484.320. All proceedings concerning traffic offenses shall conform to the provisions of ORS 1.510 to 1.530 and 484.010 to 484.320.

[1959 c.664 §2; 1973 c.836 §354]

484.030 Jurisdiction of courts. (1) A circuit or district court has concurrent jurisdiction of all state traffic offenses, except that the circuit court has exclusive jurisdiction of the trial of criminally negligent homicide and of felonies.

(2) A justice court, for offenses committed within the county, and a city court, for offenses committed within the jurisdictional authority of the city, have concurrent jurisdiction of all state traffic offenses, except that they do not have jurisdiction of the trial of the following:

(a) Any felony.

(b) Criminally negligent homicide.

(c) Violations of provisions of law for which a penalty is provided in subsection (12) of ORS 483.991.

(3) Paragraph (c) of subsection (2) of this section does not deprive a city court of jurisdiction of an offense against an ordinance conforming to provisions of law for which a penalty is provided in subsection (12) of ORS 483.991.

[1959 c.664 §3(1), (2), (3); 1971 c.743 §395]

484.040 Venue for state traffic offense. (1) An action for a state traffic offense may be commenced in any of the following counties:

(a) The county in which the offense was committed.

(b) Any other county whose county seat is a shorter distance by road from the place where the offense was committed than the county seat of the county in which the crime was committed, if the action is commenced in the circuit or district court.

(2) If the action is commenced in a county other than that in which the offense was committed, at the request of the defendant the place of trial may be changed

to the county in which the offense was committed. A request for a change of the place of trial shall be made prior to the date set for the trial and shall, if the action is commenced in a circuit or district court, be governed by the provisions of ORS 131.305 to 131.415. If the action is commenced in a justice court a request for change of the place of trial shall be governed by the provisions of ORS 156.100.
[1959 c.664 §6; 1961 c.442 §2; 1973 c.836 §355]

484.100 Authority of police officer to arrest or issue citation. (1) A police officer may arrest or issue a citation to a person for a traffic offense at any place within the jurisdictional authority of the governmental unit by which he is authorized to act.

(2) A police officer may arrest or issue a citation to a person for a traffic offense at a place outside the jurisdictional authority of the governmental unit by which he is authorized to act, if:

(a) A traffic offense was committed in his presence at a place within the jurisdictional authority of the governmental unit; and

(b) The officer immediately pursues the person who committed the offense; and

(c) The officer arrests or cites the person immediately upon the conclusion of a continuous pursuit.
[1959 c.664 §7; 1963 c.401 §1]

484.105 Authority of police officer to issue citation to driver involved in accident. When a police officer at the scene of a traffic accident has, based upon his personal investigation, reasonable grounds to believe that a driver of a vehicle involved in the accident has, in connection with the accident, committed a traffic offense, the police officer may issue to the driver a citation for that offense without making an arrest. This authority is in addition to any other authority to issue a citation for a traffic offense.
[1963 c.448 §3]

484.110 Authority of weighmasters. Any person duly authorized as a weighmaster by the Department of Transportation or any county weighmaster in whose presence is violated any provision of ORS 483.502 to 483.536 may proceed as provided in ORS 484.120 to 484.160, 484.180 to 484.220 and 484.230 in the same manner as if he were a police officer.
[1959 c.664 §17]

484.120 Taking security for appearance of arrested person. (1) A police officer may take security for the appearance of a person arrested for a traffic offense if it appears to the officer that the arrested person might fail to appear in response to a citation and if:

(a) The person is arrested for violation of any provision of ORS 483.502 to 483.536; or

(b) There is no accessible magistrate or clerk or deputy clerk authorized by the magistrate.

(2) The officer may take as security only the arrested person's unexpired card of membership in an organized automobile association qualified as provided in ORS 483.620 or the arrested person's unexpired guaranteed arrest bond certificate, as defined in ORS 743.762, if such card or certificate is acceptable as bail for the offense for which the arrest was made.

(3) The officer shall give his receipt for the security accepted and shall issue the person a citation to appear before a court having jurisdiction of the offense. The officer shall promptly cause the security to be delivered to the court. The security shall be returned to the arrested person when he is admitted to bail before the court or it may be treated by the court as bail.

(4) A magistrate or clerk or deputy clerk authorized by the magistrate has authority to accept security for the appearance of a person arrested for a traffic offense and brought before him, as provided in ORS 484.130. If the magistrate does not have jurisdiction of the offense, he shall promptly forward the security accepted and all documents in connection with the case to the most conveniently located court having jurisdiction of the offense and in which the venue may properly be laid.
[1959 c.664 §§3(4), 8; 1961 c.569 §6; 1963 c.401 §2]

484.130 Putting up bail, driver's license or other security by defendant. (1) A person brought before a magistrate or clerk or deputy clerk authorized by the magistrate for a traffic offense shall be released on giving adequate undertaking to appear in answer to the offense at such time and place as is fixed by the magistrate or clerk or deputy clerk authorized by the magistrate. The magistrate or clerk or deputy clerk authorized by the magistrate may require the arrested person to give as security for his appearance:

(a) The arrested person's unexpired card of membership in an organized automobile association qualified as provided in ORS 483.620 or the arrested person's unexpired guaranteed arrest bond certificate, as defined in ORS 743.762, if such card or certificate is acceptable as bail for the offense for which the arrest was made; or

(b) If the arrested person has no such automobile association card or certificate, as provided in paragraph (a) of this subsection, or if such card or certificate is not acceptable as bail for the offense for which the arrest was made, such sum as may be required by the magistrate; or

(c) The operator's or chauffeur's license issued by this state to the arrested person.

(2) If the operator's or chauffeur's license of a person is accepted as security, the magistrate, clerk or deputy clerk authorized by the magistrate shall issue the person a receipt therefor and shall promptly notify the Motor Vehicles Division of the fact. The Motor Vehicles Division shall prepare a form of receipt for use in connection with this subsection and all receipts issued pursuant to this subsection shall conform to the form so prepared. Until the time fixed for appearance or the expiration of 30 days from the date the receipt is issued, whichever first occurs, the receipt of the magistrate or clerk or deputy clerk authorized by the magistrate confers on the person to whom it is issued the same privileges as the license which was accepted.

(a) If the arrested person appears at the time fixed, his license shall be returned to him, unless taken up by the court pursuant to subsection (3) of ORS 482.470.

(b) If the person fails to appear at the time fixed, his license shall be forwarded to the Motor Vehicles Division. Upon receipt by the division, the license shall be suspended for an indefinite period. If the person thereafter makes his appearance before the court, the court shall advise the division of the fact and the division shall thereupon terminate the suspension ordered pursuant to this subsection.

[1959 c.664 §9; 1961 c.569 §7; 1963 c.401 §3]

484.140 Guaranteed arrest bond certificate as security for appearance. When a guaranteed arrest bond certificate with respect to which a surety company has become surety under ORS 743.762 to 743.768 is tendered as bail by the individual whose signature appears thereon as a member of an automobile club or automobile association, if the individual is arrested for a traffic offense which is committed before the date of expiration shown on that certificate but which is neither a felony nor a violation of subsection (2) of ORS 483.992, the magistrate, clerk or deputy clerk authorized by the magistrate, or officer who may take security for the individual's appearance in court shall accept the certificate in lieu of cash bail or an undertaking on bail as a bail bond in an amount not to exceed $200 to guarantee the appearance of the individual in a state court or city court. If the individual does not make the appearance, the surety for the certificate is subject on his undertaking under ORS 743.765 to any forfeiture or enforcement provision of any statute, charter or ordinance that otherwise applies to bail on their undertaking.

[1961 c.569 §2; 1963 c.401 §4]

484.150 Traffic citation requirements; exceptions; uniform citation. (1) Except for violation of laws governing parking of vehicles, a traffic citation conforming to the requirements of this section shall be used for all traffic offenses in this state.

(2) The citation shall consist of at least four parts. Additional parts may be inserted by law enforcement agencies for administrative use. The required parts are:

(a) The complaint.

(b) The abstract of record.

(c) The police record.

(d) The summons.

(3) Each of the parts shall contain the following information or blanks in which such information shall be entered:

(a) The name of the court and the court's docket or file number.

(b) The name of the person cited.

(c) The offense of which the person is charged, the date, time and place at which the offense occurred, the date on which the citation was issued and the name of the complainant.

(d) The time and place at which the person cited is to appear in court.

(e) The bail fixed for the offense.

(4) Each of the parts shall also contain such identifying and additional information as may be necessary or appropriate for law enforcement agencies in the state.

(5) The complaint shall contain a form of certificate by the complainant to the effect that he certifies, under the penalties provided in ORS 484.990, that he has reasonable grounds to believe, and does believe,

that the person cited committed the offense contrary to law. The certification if made by a police officer need not be made before a magistrate or any other person. A private person shall certify before a magistrate, clerk or deputy clerk of the court and this action will be entered in the court record. The reverse side of the complaint shall contain the substance of the matters appearing on the reverse side of the Uniform Traffic Ticket and Complaint promulgated by the American Bar Association, and set forth in the Model Rules Governing Procedure in Traffic Cases, approved by the National Conference of Commissioners on Uniform Laws, July 8-13, 1957. A certificate conforming to this section shall be deemed equivalent of a sworn complaint.

(6) The reverse side of the abstract of court record shall contain such matters and shall be in such form as may be prescribed by the Motor Vehicles Division for the purpose of carrying out the requirements of subsection (1) of ORS 484.240.

(7) The summons shall also contain a notice to the person cited that the complaint will be filed. The reverse side of the summons shall contain the following:

(a) A form substantially as follows:

READ CAREFULLY

You must appear in court at the time mentioned in this citation if you are charged with any of the following offenses:

1. Reckless driving.

2. Driving while under the influence of intoxicating liquor, barbiturates or narcotic drug.

3. Leaving the scene of an accident.

4. Operating a motor vehicle while your driver's license was suspended or revoked.

5. Attempting to flee or elude a traffic or police officer.

If you are charged with any **OTHER** offense, you **MUST** do **ONE** of the following:

1. Appear in court at the time mentioned in this summons and request a hearing. The court will then set a time for a hearing.

2. Mail to the court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the court you request a hearing. **This summons and the bail must reach the court before the time when this summons requires you to appear in court.** If you don't want a hearing, but wish to explain your side, send your explanation with the summons and bail. The court will then consider your explanation and may forfeit your bail, or part of it, on the basis of your explanation and what the officer tells the court.

3. Sign the plea of guilty below and send this summons to the court, together with check or money order in the amount of bail indicated on the other side of this summons.

This summons and the bail must reach the court before the time when this summons requires you to appear in court.

NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above but do not send in any additional sum as bail.

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, THE COURT IS AUTHORIZED TO ISSUE A WARRANT FOR YOUR ARREST OR BY NOTICE TO THE MOTOR VEHICLES DIVISION TO CAUSE YOUR OPERATOR'S LICENSE TO BE SUSPENDED, OR BOTH.

THE COURT MAY IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

(b) A "Notice" and "Appearance, Plea of Guilty and Waiver" substantially in the form appearing on the reverse side of the summons in the form of Uniform Traffic Ticket and Complaint mentioned in subsection (5) of this section.

(8) The complaint shall be set aside by the court upon the motion of the defendant before plea when it does not conform to the requirements of this section. However, this section does not prohibit the use of a uniform citation for other offenses in addition to traffic offenses and containing other language in addition to that specified in this section.

[1959 c.664 §§10, 11; 1963 c.401 §5; 1965 c.588 §2; 1971 c.388 §1; 1973 c.737 §2]

484.155 Private person may commence action for traffic offense. A private person may commence an action for a traffic offense as provided by subsection (5) of ORS 484.150.

[1963 c.401 §9]

484.160 Minimum requirements for summons. A summons in a traffic offense is sufficient if it contains the following:

(1) The name of the court, the name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.

(2) A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the offense is alleged to have occurred.

(3) A notice to the person cited that a complaint will be filed with the court based on the offense.

(4) The amount of bail, if any, fixed for the offense.
[1959 c.664 §15; 1963 c.401 §6]

484.170 Minimum requirements for complaint. Except as provided in this section, a complaint in a traffic offense is sufficient if it contains the following:

(1) The name of the court, the name of the state or of the city or other public body in whose name the action is brought and the name of the defendant.

(2) A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the offense is alleged to have occurred.

(3) A certificate as provided in subsection (5) of ORS 484.150, signed by the complainant.
[1959 c.664 §16; 1963 c.401 §7]

484.180 Delivery of summons to person cited; delivery of other parts of citation. (1) An officer issuing the citation shall cause the summons to be delivered to the person cited and shall cause the complaint and abstract of court record to be delivered to the court. When the complaint is certified by a private person the court shall cause the summons to be delivered to the defendant.

(2) When a warning has been given a person by an officer at the time of an alleged violation of ORS 481.202, 482.300 or 483.402 to 483.488 and it is subsequently determined that the person had no valid operator's license at the time of the warning or had previously received two or more such warnings within the preceding year, if a complaint is filed for the alleged violation or for violation of ORS 482.040 or 482.650, delivery of summons may be made on the defendant personally or by mail addressed to his last-known address. Proof of mailing summons under this subsection is sufficient proof of delivery of summons for purposes of ORS 484.230.
[1959 c.664 §12(1); 1963 c.401 §10; 1965 c.473 §1]

484.190 Appearance by defendant. (1) The defendant shall appear in court at the time mentioned in the summons if the citation is for:

(a) A major traffic offense.

(b) Any felony.

(2) In other cases, the defendant shall either appear in court at the time indicated in the summons, or prior to such time shall deliver to the court the summons, together with check or money order in the amount of the bail set forth in the summons, and inclosing therewith:

(a) A request for a hearing; or

(b) A statement of matters in explanation or mitigation of the offense charged; or

(c) The executed appearance, waiver of hearing and plea of guilty appearing on the summons.
[1959 c.664 §12(2), (3)]

484.200 Effect of statement in explanation or mitigation. If a defendant has submitted to the court a written statement as provided in paragraph (b) of subsection (2) of ORS 484.190, it constitutes a waiver of hearing and consent to judgment by the court declaring a forfeiture of bail on the basis of such statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the court.
[1959 c.664 §13(2)]

484.210 Fixing hearing date; notice to defendant; license suspension for failure to appear. (1) If the defendant requests a hearing, or if pursuant to ORS 484.220 the court directs that a hearing be had, the court shall fix a date and time for the hearing and, unless notice is waived, shall at least five days in advance of the hearing mail to the defendant notice of the date and time so fixed. The notice shall set forth a warning that for failure to appear for the hearing the defendant's license is subject to suspension unless bail is deposited in the amount set in the summons.

(2) If the defendant fails to appear for the hearing at the time and place fixed by the court and no bail has been deposited, the court may notify the Motor Vehicles Division of the defendant's failure to appear.

In the notification the court shall certify that notice was given the defendant as prescribed by subsection (1) of this section and that the defendant failed to appear for the hearing. Upon receipt of such notification, together with a fee of $5, the division shall suspend the defendant's license for an indefinite period. If the defendant thereafter makes his appearance before the court, the court shall notify the division of the fact and the division shall thereupon terminate the suspension ordered pursuant to this subsection. Notifications by the court to the division shall be in a form prescribed by the division. A suspension ordered under this section shall not be used by the division in any subsequent consideration of the defendant's driving record under ORS 482.450.

(3) As used in this section, "license" has the meaning given that term by ORS 482.010.
[1959 c.664 §13(1); 1965 c.588 §1]

484.220 Hearing discretionary with court; exceptions. (1) In any case the court may direct that a hearing be held. Otherwise, the court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine.

(2) No sentence to jail may be imposed, nor any fine imposed in excess of the bail deposited by the defendant, unless a hearing is held. A recommendation for suspension of the defendant's license shall not be made unless a hearing has been ordered, but the failure of the defendant to appear at the hearing shall not preclude such a recommendation.
[1959 c.664 §13(3)]

484.222 Impounding vehicles operated by driver convicted under ORS 482.650; redemption; suspension of registration; rights of security interest holders. (1) (a) When a person is convicted for driving a motor vehicle in violation of ORS 482.650, the court shall order impounded for not more than 120 days from judgment any motor vehicle of which the convicted person is the owner and any motor vehicle which the convicted person is operating at the time of arrest for violation of ORS 482.650. He shall be liable for the expenses incurred in the removal and storage of the vehicle under this subsection, whether or not the vehicle is returned to him. The vehicle shall be returned to the person convicted or the owner only upon payment of such expenses.

(b) If the vehicle is not reclaimed within 30 days after the time set for the return of the vehicle in the impounding order, the vehicle may be disposed of in accordance with ORS 483.380 to 483.396.

(2) (a) When a person is convicted for driving a motor vehicle in violation of ORS 482.650, the court, instead of or in addition to impoundment under subsection (1) of this section, may order the Motor Vehicles Division to suspend for not more than 120 days the registration required under ORS chapter 481 of any vehicle of which the convicted person is the owner or any vehicle which the convicted person is operating at the time of his arrest for violation of ORS 482.650. The division shall forthwith suspend the registration and require the owner to return the registration card and plates. If the vehicle has not been impounded and the owner fails to return the registration card and plates to the division within 10 days after the date notice to do so is mailed to him, return receipt requested, the division shall forthwith direct any peace officer to secure possession thereof and return the registration card and plates to the division.

(b) The division shall return the registration card and plates to the owner upon expiration of the period specified by the court in its order provided in paragraph (a) of this subsection upon payment by the owner to the division of a restoration fee of $10.

(3) The court may order that a motor vehicle of which the convicted person is not the owner be impounded or its registration suspended under this section only if the court is satisfied by clear and convincing evidence that the owner knew or had good reason to know that the convicted person did not have a valid operator's license and knowingly consented to the operation of the motor vehicle by the convicted person.

(4) The authority of the court under this section to impound any motor vehicle shall be subject to the rights of a holder of a security interest under a security agreement executed before an arrest for violation of ORS 482.650, and the vehicle shall be released for the purpose of satisfying a security interest if:

(a) Request in writing is made to the court; and

(b) If the vehicle has been impounded, the security interest holder pays the expenses

incurred in removal and storage of the vehicle; and

(c) If the registration of the vehicle has been suspended, the security interest holder takes possession of the vehicle subject to the suspension of the registration remaining in effect against the registered owner.

[1967 c.579 §4; 1971 c.501 §1]

484.230 Warrant for arrest. (1) If a person cited fails to comply with the provisions of ORS 484.190, or if he fails to appear at any time fixed by the court, a warrant for his arrest may be issued. A warrant issued by a circuit, district or justice court may be served, without further indorsement, in any county in this state.

(2) No warrant of arrest may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail or other security given by the arrested person. Unless a warrant has been issued before the expiration of that period the order of forfeiture shall be deemed the final disposition of the case.

[1959 c.664 §14; 1965 c.473 §2]

484.240 Reports of convictions and bail forfeitures to Motor Vehicles Division. (1) The judge or clerk of every court of this state having jurisdiction of any traffic offense, as defined in ORS 484.010, including all local and municipal judicial officers in this state, shall keep a full record of every case in which a person is charged with violation of any such offense. If such person is convicted or his bail is forfeited, an abstract of the conviction or bail forfeiture, except for violation of the size and weight limitations provided by ORS 483.502 to 483.536, shall be sent forthwith to the Motor Vehicles Division.

(2) Each clerk of any court of this state shall, within 10 days after any final judgment of conviction of any person of manslaughter or other felony in the commission of which a vehicle was used, send to the Motor Vehicles Division a certified copy of such judgment. The division shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours.

[1959 c.664 §18; 1971 c.162 §1]

484.250 Disposition of moneys collected by courts. (1) One-half of all fines, costs and forfeited bail collected by the judge, magistrate or clerk of a court having jurisdiction of a traffic offense shall be paid as follows:

(a) If collected in a state court, to the treasurer of the county in which the offense occurred.

(b) If collected in a city court, to the city treasurer.

(2) The other half of such fines, costs and bail shall be paid as follows:

(a) If resulting from prosecutions initiated by or from arrests or complaints made by a member of the Oregon State Police, to the Department of Revenue, who shall apply the money to the credit of the General Fund to be used and expended as are other funds in the General Fund.

(b) If resulting from prosecutions initiated by or from arrests or complaints made by a Highway Division weighmaster, to the Department of Revenue, who shall place the money to the credit of the State Highway Fund, to be used and expended as are other state highway funds.

(c) If resulting from prosecutions initiated by or from arrests or complaints made by a city policeman, to the treasurer of the city, municipal or quasi-municipal corporation by whom such policeman is employed.

(d) If resulting from prosecutions initiated by or from arrests or complaints made by a sheriff, deputy sheriff, county weighmaster or other peace officer not mentioned in paragraphs (a) to (c) of this subsection, to the treasurer of the county in which the offense occurred, to be credited to the general fund of such county.

(e) In other cases, to the same person to whom payment is made of the half provided for in subsection (1) of this section.

(3) If paragraph (a) or (b) of subsection (2) of this section is applicable, and if the fine or penalty imposed is remitted, suspended or stayed, or the offender against whom the fine or penalty was levied or imposed serves time in jail in lieu of paying the fine or penalty or a part thereof, the committing judge or magistrate shall certify the facts thereof in writing to the Department of Revenue not later than the 10th day of the month next following the month in which the fine was remitted or penalty suspended. If any part of the fine is thereafter paid, it shall be remitted to the judge or magistrate who imposed the fine or penalty, who shall distribute it as provided in subsections (1) and (2) of this section.

(4) Payment of fines, costs and forfeited bail under this section shall be made within the first 20 days of the month following the month in which collected.
[1959 c.664 §§20, 21; 1969 c.616 §2; 1971 c.186 §3]

484.260 Delinquency in paying moneys under ORS 484.250. If any of the money collected under ORS 484.250 is not paid over as provided in that section by the tenth day of the second calendar month next following the month in which it is received, the person withholding it is delinquent in its payment and, in addition to the penalties prescribed by law, he is personally liable therefor to the public bodies to which the money is payable, with interest at the legal rate from the delinquency date until paid. An action may be maintained in the name of the state for the recovery of the unpaid amounts with interest.
[1959 c.664 §22]

484.310 Establishment of violations bureau authorized. (1) Any court, when it determines that the efficient disposition of its business and the convenience of persons charged so requires, may establish a Traffic Court Violations Bureau and constitute the clerk or deputy clerk of the court or any other appropriate official within the jurisdiction in which the court is held as a violations clerk for the Traffic Court Violations Bureau.

(2) The violations clerk shall accept written appearance, waiver of trial, plea of guilty and payment of fine and costs in traffic offense cases, subject to the limitations set forth in this section and ORS 484.320. The violations clerk shall serve under the direction and control of the court appointing him.

(3) The court shall by order designate the traffic offenses within the authority of the violations clerk. Such offenses shall not include any major traffic offense.

(4) The court shall establish schedules, within the limits prescribed by law, of the amounts of fines to be imposed for first, second and subsequent offenses, designating each offense specifically. The order of the court establishing the schedules shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid to, receipted by and accounted for by the violations clerk in the same manner as other fines and costs are received by the court.
[1959 c.664 §23]

484.320 Payment of fines to violations bureau; exceptions. (1) Any person charged with any traffic offense within the authority of the violations clerk may, upon signing an appearance, plea of guilty and waiver of trial, pay the clerk the fine established for the offense charged, and costs.

(2) A city court may by rule provide for the disposition of violations of ordinances relating to parking by the violations clerk in the manner provided in subsections (1) and (2) of this section and ORS 484.310.

(3) A person who has been found guilty of, or who has signed a plea of guilty to, one or more previous traffic offenses in the preceding 12 months within the jurisdiction of the court shall not be permitted to appear before the violations clerk unless the court, by general order applying to certain specified offenses, permits such appearance.
[1959 c.664 §§24, 25]

484.410 [1959 c.664 §26; 1967 c.604 §11; 1967 c.620 §15; renumbered 1.520]

484.420 [1959 c.664 §27; 1967 c.604 §12; 1967 c.620 §16; renumbered 1.510]

484.430 [1963 c.8 §1; 1967 c.604 §13; renumbered 1.530]

TRAFFIC SAFETY COMMISSION

484.510 "Commission" defined. As used in ORS 484.510 to 484.600, "commission" means the Traffic Safety Commission created by ORS 484.520.
[1967 c.499 §1]

484.520 Traffic Safety Commission; appointment of members; compensation and expenses. (1) There is created within the executive office of the Governor the Traffic Safety Commission. The commission shall consist of five members appointed by the Governor and to serve at the pleasure of the Governor.

(2) The Governor shall appoint one member of the commission as chairman and another member as vice chairman.

(3) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.
[1967 c.499 §2; 1969 c.469 §1]

484.530 [1967 c.499 §3; repealed by 1969 c.469 §5]

484.540 [1967 c.499 §4; 1969 c.314 §56; repealed by 1969 c.469 §5]

484.550 Executive secretary; staff. (1) The Governor shall appoint a person to serve as executive secretary of the commission. The executive secretary is the chief administrative officer of the commission. He shall keep a complete record of all meetings of the commission.

(2) Subject to the approval of the Governor, the executive secretary shall appoint assistants, consultants, clerical staff and other employes needed to carry out the purposes of ORS 484.510 to 484.600.
[1967 c.499 §5; 1969 c.469 §3]

484.560 Governor's authority to carry out ORS 484.510 to 484.600. Subject to subsection (2) of ORS 484.550, the Governor is authorized to incur the expenses he considers necessary to carry out ORS 484.510 to 484.600.
[1967 c.499 §6]

484.570 Duties of commission. The commission shall:

(1) Organize, plan and conduct a statewide highway safety program.

(2) Coordinate generally activities and programs of the several departments, divisions or agencies of the state engaged in promoting highway safety.

(3) Provide highway safety information and publicity to all appropriate media of information and develop other means of public information.

(4) Cooperate fully with all national, local, public and private agencies and organizations interested in the promotion of highway safety.

(5) Serve as a clearinghouse for all highway safety materials and information used throughout the state.

(6) Cooperate in promoting research, special studies and analysis of problems concerning highway safety.

(7) Make studies and suitable recommendations to the legislature concerning safety regulations and laws.

(8) Prepare and submit each year a written report to the Governor concerning the activities of the commission, including activities concerning assistance to cities and counties and their officers and agencies.
[1967 c.499 §7; 1969 c.469 §4]

484.580 City and county highway safety programs authorized. Any city or county may participate in the highway safety program and do all things necessary to secure the benefits available under ORS 484.510 to 484.600 and under the Federal Highway Safety Act of 1966 and any amendments thereto.
[1967 c.499 §8]

484.590 Review of city and county highway safety programs; function of Governor. (1) The commission shall review plans and applications for participation by counties and cities in the Federal Government highway safety programs conducted under the Federal Highway Safety Act of 1966 and any amendments thereto. It shall make recommendations to the Governor regarding the approval of such plans and applications. The Governor shall, considering the recommendations of the commission, approve such plans or applications for funds in accordance with the uniform standards of the Federal Government regarding such programs. Subject to any conditions of the grant, the Governor shall disburse any funds received from the Federal Government or any of its agencies for county and city highway safety programs.

(2) The Governor, with the advice of the commission, may apply for, accept, receive and disburse grants available from the Federal Government or any of its agencies to carry out approved state highway safety programs conducted under the Federal Highway Safety Act of 1966 and the amendments thereto.

(3) The Governor may accept funds from other sources and enter into such contracts or agreements and do all things necessary to receive such funds for the purpose of carrying out the provisions of ORS 484.510 to 484.600. However, funds shall not be accepted which are subject to a restriction or a condition that is in conflict with any law of this state.
[1967 c.499 §9]

484.595 Traffic Safety Commission Account. There hereby is established in the General Fund of the State Treasury an account to be known as the Traffic Safety Commission Account. All money credited to the account hereby is appropriated continuously for and shall be used to carry out the purposes of ORS 484.510 to 484.600.
[1969 c.474 §5]

484.600 Highway Safety Trust Account. There hereby is established in the General

Fund of the State Treasury an account to be known as the Highway Safety Trust Account. All money received by the Governor pursuant to ORS 484.590 shall be paid into the State Treasury and credited to the Highway Safety Trust Account. All money in such account hereby is appropriated continuously for and shall be used by the Governor in carrying out the purposes for which the funds were received.
[1967 c.499 §10]

HABITUAL OFFENDERS

484.700 Short title. ORS 484.700 to 484.750 may be cited as the "Habitual Traffic Offenders Act."
[1973 c.301 §12]

484.705 Definitions for ORS 484.700 to 484.750. (1) As used in ORS 484.700 to 484.750, unless the context requires otherwise, "habitual offender" means any person, resident or nonresident, who within a five-year period, has been convicted of or forfeited bail for the number and kinds of traffic offenses described by paragraphs (a) and (b) of this subsection, as evidenced by the records maintained by the division.

(a) Three or more of any one or more of the following offenses:

(A) Manslaughter or criminally negligent homicide resulting from the operation of a motor vehicle;

(B) Driving while under the influence of intoxicating liquor, dangerous drugs or narcotic drugs as defined by subsection (2) of ORS 483.992 or ORS 483.999;

(C) Driving a motor vehicle while his license, permit or privilege to drive has been suspended or revoked as defined by ORS 482.650;

(D) Reckless driving as defined by subsection (1) of ORS 483.992;

(E) Failure of the driver of a motor vehicle involved in an accident resulting in the death of or injury to any person or damage to any vehicle being driven or attended by a person to perform the duties required by subsections (1) and (2) of ORS 483.602.

(b) Twenty or more of any one or more offenses involving the operation of a motor vehicle which violations are required to be reported to the division, including offenses enumerated in paragraph (a) of this subsection; however, no person shall be considered a habitual offender under this paragraph until his 21st conviction or bail forfeiture within a five-year period when the 20th conviction or bail forfeiture occurs after a lapse of two years or more from the last preceding conviction or bail forfeiture.

(2) The offenses included in paragraphs (a) and (b) of subsection (1) of this section include city traffic offenses, as defined by ORS 484.010, and offenses under any federal law, or any law of another state, including subdivisions thereof, substantially conforming thereto but do not include nonmoving offenses as defined in ORS 483.346 to 483.545.

(3) As used in ORS 484.700 to 484.750, "division" means the Motor Vehicles Division of the Department of Transportation or a similar agency of another state.
[1973 c.301 §§2, 3]

484.710 Policy. It is hereby declared to be the policy of this state:

(1) To provide maximum safety for all persons who travel or otherwise use the public highways of this state;

(2) To deny the privilege of operating motor vehicles on the public highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her courts and the statutorily required acts of her administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.
[1973 c.301 §1]

484.715 Action by division upon receipt of abstract of conviction or bail forfeiture relating to traffic offense; meeting with licensee. When the division receives an abstract of the conviction or bail forfeiture, under ORS 484.240, and the conviction or bail forfeiture is the second one of those described by paragraph (a) of subsection (1) of ORS 484.705 for the convicted person, the division immediately shall notify the licensee and offer him an opportunity of an advisory meeting with a representative of the division in the county wherein the licensee resides. At such a meeting, the division shall advise the licensee of the provisions of ORS 484.700

to 484.750 and of the availability of educational programs for driver improvement.
[1973 c.301 §4]

484.720 Administrator to certify to district attorneys operating records of habitual offenders; proceedings against habitual offenders. (1) The administrator of the division shall certify in triplicate an abstract of the operating record as maintained by the division, of a habitual offender to the district attorney of the county in which the person resides, as his residence is shown by the records of the division. If the person is not a resident of this state, the record shall be certified to the Attorney General. The certified abstract may be admitted in evidence and shall be prima facie evidence that the person named therein was duly convicted of each offense shown by the abstract. If such person denies any of the facts as stated therein, he shall have the burden of proving that the fact is untrue.

(2) The district attorney upon receiving the abstract shall forthwith file a complaint against the person named therein in the circuit court for the county in which such person resides, charging him with being a habitual offender. If the person is a nonresident of this state, the Attorney General shall file such complaint in the Circuit Court for Marion County.
[1973 c.301 §5]

484.725 Order to show cause why habitual offender should not be barred from vehicle operation; service of order; procedure for review of convictions. (1) The court in which the complaint is filed shall enter an order, which incorporates the abstract and is directed to the person named therein, to show cause why he should not be barred as a habitual offender from operating a motor vehicle on the highways of this state. A copy of the show cause order shall be served on the person named therein in the manner prescribed by law for the service of notices. Service thereof on any nonresident of the state may be made by the administrator of the division as provided by ORS 15.190.

(2) If the person denies he was convicted of any offense necessary for a holding that he is a habitual offender, and if the court cannot, on the evidence available to it, make a determination of the issue, the court may certify the issue to the court in which the conviction was made. The court to which the certification is made shall forthwith conduct a hearing to determine the issue and send a certified copy of its final order determining the issue to the court in which the complaint was filed.
[1973 c.301 §6]

484.730 Dismissal of proceedings brought against innocent persons; order to habitual offender not to operate vehicles and to surrender operating licenses and permits. If the court finds that the person before the court is not the person named in the abstract, or that he is not a habitual offender, the proceeding shall be dismissed; but if the court finds that the person before the court is the person named in the abstract and that the person is a habitual offender, the court shall so find and by appropriate order direct the person not to operate a motor vehicle on the highways of this state and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal in accordance with ORS 482.470. The clerk of the court shall file with the division a copy of the order whereupon the division shall forthwith revoke the license of the person to operate motor vehicles.
[1973 c.301 §7]

484.735 Limitation on issuance of operating license to habitual offenders. (1) Except as provided in subsection (2) of this section, a license to operate motor vehicles in this state shall not be issued to a habitual offender:

(a) For a period of 10 years after the date of the order of the court finding a person to be a habitual offender; and

(b) Until the privilege of the person to operate a motor vehicle in this state has been restored by order of a court of record entered in a proceeding as provided by ORS 484.745.

(2) A one-year, renewable probationary license may be issued to a habitual offender if he:

(a) Successfully completes a defensive driving course conducted by the division;

(b) Continually satisfies the conditions of the probationary license; and

(c) Submits a report of a diagnostic examination conducted by a private physician showing to the satisfaction of the State Health Officer that he is physically and mentally competent to drive.

(3) The conditions of a probationary license shall include that if a habitual offender

is convicted of more than one moving violation within any 12-month period the probationary license shall be revoked and may not be reinstated for one year from the date of last conviction.

(4) The division may establish by rule additional conditions of a probationary license.
[1973 c.301 §8]

484.740 Effect of operating vehicle by person under court order to refrain from vehicle operation. Except as provided in subsection (2) of ORS 484.735, it shall be unlawful for any person to operate a motor vehicle in this state while the order of the court prohibiting such operation remains in effect. A person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by confinement in the county jail for not less than 30 days or more than one year, and the sentence shall not be suspended nor shall the imposition of the sentence be deferred.
[1973 c.301 §9]

484.745 Petition for restoration of privilege to operate vehicle by habitual offender; terms and conditions of restoring privilege. At the expiration of 10 years after the date of any final order finding a person to be a habitual offender the person may petition any court of record in the county in which he then resides, for restoration of his privilege to operate a motor vehicle in this state. Upon such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to operate a motor vehicle in this state upon such terms and conditions as the court may prescribe, subject to other provisions of law relating to the issuance of operators' or chauffeurs' licenses.
[1973 c.301 §10]

484.750 Appeal of order barring vehicle operation. An appeal may be taken from any final action or order of a court entered under ORS 484.700 to 484.750 as provided in civil cases.
[1973 c.301 §11]

PENALTIES

484.990 Penalties. Any person who in connection with the issuance of a citation, or the filing of a complaint, for a traffic offense, as defined in subsection (10) of ORS 484.010, wilfully certifies falsely to the matters set forth therein is punishable upon conviction by imprisonment in the county jail for a term not exceeding one year or by a fine of not more than $5,000, or both.
[1959 c.664 §19]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1973.

Thomas G. Clifford
Legislative Counsel