

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE FIFTEENTH JUDICIAL DISTRICT

FILED

2009 SEP 25 AM 10:42

COOS COUNTY COURT
COQUILLE, OREGON

IN THE MATTER OF ESTABLISHING A)
VIOLATIONS BUREAU, FINE)
SCHEDULE AND RELATED MATTERS)

GENERAL ORDER
No. 09-01

Pursuant to the provisions of ORS 153.800 and Oregon Laws 2009, chapter 659, section 2 and the court finding that efficient disposition of court business and for the convenience of persons so charged with traffic, boating, wildlife and commercial, and parks and recreation violations:

I.

IT IS HEREBY ORDERED:

There is established the Coos/Curry Courts Violations Bureau. The court designates the Trial Court Administrator as Violations Clerk for all operational functions of said bureau. The Trial Court Administrator shall serve under the direction and control of the court as the appointing power.

II.

All violations, including those issued to defendants with one or more previous violations in the preceding 24 months, within the jurisdiction of the court if the offense is one described by 153.008 or designated as a violation by County Ordinance relating to traffic, boating, wildlife, commercial fishing, and parks and recreation violations may be disposed of by the violations bureau.

III.

Defendants must appear personally before the judge on any major traffic offense (misdemeanor) or for any felony.

IV.

Persons charged with violations, which qualify for disposition through the violations bureau and report in person for arraignment, are given the following options by the violations clerks:

- Plead not guilty – only those individuals who have failed to appear in some court on charges in the past may be required to post the base fine/security release for their case. The defendant will give the clerk a complete and current address and sign back of summons or a Not Guilty Plea Form. The clerk will set the trial and deliver to the defendant a trial notice setting forth the time and date of the trial.
- Plead guilty – sign the back of the summons or Guilty Plea Form. Clerk will then assess fine per the Violations Bureau Fine Schedule for that classification of violation.

V.

The violations clerk may impose, upon written plea of guilty, the specified fines, assessments and suspended fines in the attached fine schedules. This General Order, and attached fine schedules, shall be posted to the court's website and be available for review by the defendant if requested.

If defendant posts the basic fine amount (security release) without a written plea of guilty or not guilty the violations clerk may impose the specified fines, assessments, and suspended fines in the attached fine schedules as a no contest plea.

VI.

If, after seeing the violations clerk, the defendant disagrees with the fine penalty he or she will be given the opportunity to change his/her plea to not guilty, comply with Section IV and have the matter scheduled for trial.

VII.

The violations clerk may allow a continuance/grace period for initial appearance by the defendant not to exceed two (2) weeks. The TCA or Violations Bureau unit supervisor may allow, for good cause, an additional two (2) week continuance/grace period.

The violations clerk shall, whenever possible, obtain immediate payment of the fine. However, the violations clerk may allow the defendant to make payments, after informing the defendant of the Payment Schedule Assessment (PSAS) amounts, over time according to the following payment schedule when the defendant states immediate payment is not possible. **(Amount due is fine amount plus the PSAS)**

AMOUNT DUE	MONTHLY PAYMENT	MONTHS OF PAYMENT
Up to \$499	\$30	Up to 17
\$500 – \$1,000	\$50	Up to 20
\$1,001 – \$2,000	\$75	Up to 27
\$2,001 - \$3,000	\$100	Up to 30
\$3,001 - \$4,000	\$125	Up to 32
\$4,001 - \$5,000	\$150	Up to 45

VIII.

Upon failure to appear for an arraignment, or for a scheduled trial, the violations clerk shall enter a finding of guilty on the citation and impose sentence of the fine equal to the statutory maximum for the offense, plus the unitary assessment, the offense surcharge, plus the county assessment (**Class A Violation - \$868.00; Class B Violation - \$492.00; Class C Violation - \$287.00; Class D Violation - \$190.00**) and sanction the defendant's drivers license under ORS 809.220. Upon failure to comply with any payment arrangement the violations clerk shall in the regular course notify the Department of Motor Vehicles of failure to comply pursuant to ORS 809.210.

IX.

The defendant's guilty plea shall be noted on the back of the complaint by the date received.

X.

The violations clerk is authorized to disclose the fine schedule by telephone and continue a case up to two (2) weeks, upon request, for anyone making a specific inquiry with respect to the policy of the court relating to the Violations Bureau.

The violations clerk may quote the Violation Bureau Fine Schedules over the telephone to defendants who wish to plead guilty.

The violations clerk may impose the disposition specified in the attached fine schedules upon defendants who plead guilty by mail with or without a written explanation. The court will refund to the defendant any

difference, minus a \$5.00 cost and processing fee, between the Base Fine Amount submitted and the actual fine imposed pursuant to this General Order and attached Fine Schedules.

Pursuant to ORS 153.800 the violations clerk may accept a Not Guilty Plea in person or in writing from the defendant. Upon request defendant may have a trial by affidavit in lieu of a court trial.

XI.

The Trial Court Administrator as violations clerk may designate any member of court operations staff as a deputy violations clerk in order to carry out the purpose of this order. The Trial Court Administrator shall designate at least one chief deputy violation clerk.

XII.

Nothing in this order shall prevent a person from mailing the signed waiver of trial and guilty plea upon being quoted the fine by the violations clerk. When received, the violations clerk shall then enter the guilty plea and apply the receipted funds to the fine and assessments.

Nothing in this order shall prevent any person, upon request, from being scheduled to appear before the court to explain the facts and circumstances of the citation.

XIII.

The violations clerk may dismiss or reduce the charge only for those citations as identified as eligible in the attached fine schedules when presented with appropriate proof.

The violations clerk may accept a plea of no contest from the defendant after advising the defendant that such a plea will result in a finding of guilty and imposition of the fine specified in the attached fine schedules.

This Violations Bureau General Order supersedes all previous Violations Bureau General Orders on the effective date set out below.

The Trial Court Administrator shall implement procedures to carry out the purpose of this order.

Dated this 25th day of September, 2009

Effective the 1st day of October, 2009.



Richard L. Barron, Presiding Judge

FIFTEENTH JUDICIAL DISTRICT VIOLATIONS BUREAU
TRAFFIC FINE SCHEDULE

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COOS COUNTY COURT
COQUILLE, OREGON

Effective October 1, 2009

There is no reduction for any citation within a highway work zone, posted school zone or designated safety corridor.

INDIVIDUALS

	Base Fine	0 Convictions	1 Conviction
CLASS A TRAFFIC VIOLATIONS: Includes speeding - over 30 mph excess or 85 mph, but under 100 mph, where legal speed is 65 mph.			
NOT contributing to an accident	\$472*	\$354*	\$413*
Contributing to an accident	\$544*	\$408*	\$476*
Work Zone/School Zone/Safety Corridor	\$724*	\$724*	\$724*
CLASS B TRAFFIC VIOLATIONS: Includes speeding - 21 to 30 mph excess or 76 to 85 mph where legal speed is 65 mph.			
NOT contributing to an accident	\$287*	\$216*	\$251*
Contributing to an accident	\$323*	\$243*	\$283*
Work Zone/School Zone/Safety Corridor	\$400*	\$400*	\$400*
CLASS C TRAFFIC VIOLATIONS: Includes speeding - 11 to 20 mpg or 66 to 75 mph where legal speed is 65 mph.			
NOT contributing to an accident	\$190*	\$143*	\$166*
Contributing to an accident	\$215*	\$162*	\$188*
Work Zone/School Zone/Safety Corridor	\$251*	\$251*	\$251*
CLASS D TRAFFIC VIOLATIONS: Includes speeding - 1 to 10 mph excess or any excess speed in funeral procession.			
NOT contributing to an accident	\$142	\$107	\$125
Contributing to an accident	\$154	\$116	\$135
Work Zone/School Zone/Safety Corridor	\$172	\$172	\$172

* - Commercial vehicle speed - Defendant was exceeding the legal speed by at least 10 miles an hour in a vehicle that requires a commercial drivers license to operate. In these cases you add \$42 to the appropriate fine amount.

CORPORATIONS

CLASS A TRAFFIC VIOLATIONS: Includes speeding - over 30 mph excess or over 85 mph, but under 100 mph, where legal speed is 65 mph.

	Base Fine	0 Convictions	1 Conviction
Not contributing to an accident	\$868*	\$651*	\$760*
Contributing to an accident	\$1012*	\$759*	\$886*
Work Zone/School Zone/Safety Corridor	\$1300*	\$1300*	\$1300*

CLASS B TRAFFIC VIOLATIONS: Includes speeding - 21 to 30 mph excess or 76 to 85 mph where legal speed is 65 mph.

Not contributing to an accident	\$472*	\$354*	\$413*
Contributing to an accident	\$544*	\$408*	\$476*
Work Zone/School Zone/Safety Corridor	\$724*	\$724*	\$724*

CLASS C TRAFFIC VIOLATIONS: Includes speeding - 11 to 20 mph excess or 66 to 75 mph where legal speed is 65.

Not contributing to an accident	\$287*	\$216*	\$252*
Contributing to an accident	\$323*	\$243*	\$283*
Work Zone/School Zone/Safety Corridor	\$400*	\$400*	\$400*

CLASS D TRAFFIC VIOLATIONS: Includes speeding - 1 - 10 mph excess or any excess speed in funeral procession.

Not contributing to an accident	\$190	\$143	\$167
Contributing to an accident	\$215	\$162	\$189
Work Zone/School Zone/Safety Corridor	\$251	\$251	\$251

* - Commercial Vehicle Speed - Defendant was exceeding the legal speed by at least 10 miles an hour in a vehicle that requires a commercial driver license to operate. In these cases you add \$42 to the appropriate fine level.

UNCLASSIFIED VIOLATIONS: Where statute does not provide a specific fine classification or fine amount for a violation, it is a "Class B Violation."

	Individual		
Not Contributing to an accident	\$287	\$216	\$251
Contributing to an accident	\$323	\$243	\$283
Work Zone/School Zone/Safety Corridor	\$400	\$400	\$400
	Corporation		
Not Contributing to an accident	\$472	\$354	\$413
Contributing to an accident	\$544	\$408	\$476
Work Zone/School Zone/Safety Corridor	\$724	\$724	\$724

SPECIFIC FINE VIOLATIONS

Specific fine violations are punishable by a specific fine as the penalty for committing the offense. That specific fine is set in statute as a specific fine amount and is not designated as a misdemeanor or felony or as a Class A, B, C, or D violation by statute and does not include a term of imprisonment as a penalty. The base-fine amount is the fine amount set by statute plus \$37 for the unitary assessment, plus \$45 for the offense surcharge, plus the appropriate county assessment under ORS 137.309. (See ORS 153.125(3)).

County Assessment Chart

Up to \$4.99	\$00
\$5 to \$14.99	\$5.00
\$15 to \$49.99	\$15.00
\$50 to \$99.99	\$18.00
\$100 to \$249.99	\$25.00
\$250 to \$499.99	\$30.00
\$500 or more	\$66.00

With the exceptions noted below, pursuant to ORS 153.093(1)(b) specific fine violations may be reduced 20% of the base fine amount if the individual has no convictions and may be reduced to 60% of the base fine amount if the individual has one conviction.

Most Common Specific Fine Violations

Traffic Speeding: Exceeding 100 mph - ORS 811.109

Individual: \$1,148.00
Corporation: \$2,148.00

Refusal to Take a Breath Test: ORS 813.095

Individual: \$648.00
Corporation: \$1,148.00

STATE PARKING OFFENSES (Minimum that must be imposed upon conviction)

ORS 811.630 - Misuse handicapped program placard (1 st Offense)	\$190.00
ORS 811.630 - Misuse handicapped program placard (2 nd Offense)	\$450.00
ORS 811.555 - Illegal Stopping, standing or parking	\$ 50.00
ORS 811.570 - Improper Parallel Parking	\$ 50.00
ORS 811.575 - Posted Parking Restrictions on State Highway	\$ 50.00
ORS 811.580 - Parking on State Highway for Vending	\$ 50.00
ORS 811.585 - Failure to Secure parked motor vehicle	\$ 50.00
OAR 736-010-0120, State Parks, day use parking permit	\$ 50.00
ORS 811.615 - Unlawful Parking in Disabled Parking Space (1 st Offense)	\$190.00
ORS 811.615 - Unlawful Parking in Disabled Parking Space (2 nd Offense)	\$450.00
ORS 811.625 - Unlawful use of disabled person parking permit	\$450.00
ORS 811.617 - Blocking a disabled parking space	\$ 50.00
ORS 811.590 - Violation of Winter Parking Permit Requirements	\$ 30.00

Overload/Oversize Offenses: See the attached 2009 Minimum Base Fine Summary as it has excel worksheets attached for calculating the base fine and minimum and maximum penalty amounts. All staff have to do is plug in the actual weight and the worksheet will calculate the fine.

CARELESS DRIVING: ORS 811.135

	Base Fine	0 Convictions	1 Conviction
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Individual

Not contributing to an accident	\$287	\$216	\$252
Contributing to an accident	\$472	\$354	\$413
Traffic Special Zone/No Accident	\$400	\$400	\$400
Traffic Special Zone/Accident	\$724	\$724	\$724

Corporation

Not Contributing to an accident	\$472	\$354	\$413
Contributing to an accident	\$868	\$651	\$790
Traffic Special Zone/No Accident	\$724	\$724	\$724
Traffic Special Zone/Accident	\$1300	\$1300	\$1300

U-TURN: ORS 811.365

Individual

Not Contributing to an accident	\$190	\$143	\$167
Contributing to an accident	\$287	\$216	\$252
Traffic Special Zone/No Accident	\$251	\$251	\$251
Traffic Special Zone/Accident	\$400	\$400	\$400

Corporation

Not Contributing to an accident	\$287	\$216	\$252
Contributing to an accident	\$472	\$354	\$413
Traffic Special Zone/No Accident	\$400	\$400	\$400
Traffic Special Zone/Accident	\$724	\$724	\$724

Helmet Violations (Bicycle/Skateboard)
ORS 814.485/814.486/814.536/814.600

	\$122.00	\$ 25	\$ 73
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OPEN CONTAINER IN VEHICLE: ORS 811.170

Individual

Not Contributing to an accident	\$287	\$216	\$251
Contributing to an accident	\$323	\$243	\$283
Work Zone/School Zone/Safety Corridor	\$400	\$400	\$400

Corporation

Not Contributing to an accident	\$472	\$354	\$413
Contributing to an accident	\$544	\$408	\$476
Work Zone/School Zone/Safety Corridor	\$724	\$724	\$724

SEATBELT VIOLATION: ORS 811.210

	Base Fine	0 Convictions	1 Conviction
Individual			
Not Contributing to an accident	\$142	\$107	\$125
Contributing to an accident	\$154	\$116	\$135
Work Zone/School Zone/Safety Corridor	\$172	\$172	\$172
Corporation			
Not Contributing to an accident	\$190	\$143	\$167
Contributing to an accident	\$215	\$162	\$189
Work Zone/School Zone/Safety Corridor	\$251	\$251	\$251

DRIVING WHILE SUSPENDED (If Violation): (811.175)

	Base Fine	0 Convictions	1 Conviction
Individual			
Not Contributing to an accident	\$472	\$354	\$413
Contributing to an accident	\$544	\$408	\$476
Work Zone/School Zone/Safety Corridor	\$724	\$724	\$724
Corporation			
Not contributing to an accident	\$868	\$651	\$760
Contributing to an accident	\$1012	\$759	\$886
Work Zone/School Zone/Safety Corridor	\$1300	\$1300	\$1300

Dismiss with proof of valid license at time citation was issued or a valid Hardship Permit if valid at time of citation and if person was driving within it's restrictions.

DRIVING UNINSURED: ORS 806.012

	Base Fine	0 Convictions	1 Conviction
Individual			
Not Contributing to an accident	\$287	\$216	\$251
Contributing to an accident	\$323	\$243	\$283
Work Zone/School Zone/Safety Corridor	\$400	\$400	\$400
Corporation			
Not Contributing to an accident	\$472	\$354	\$413
Contributing to an accident	\$544	\$408	\$476
Work Zone/School Zone/Safety Corridor	\$724	\$724	\$724

Dismiss with proof of insurance at time citation was issued. Proof must cover the vehicle listed on the citation.

Dismiss Failure to Carry Proof of Financial Responsibility when Defendant shows proof of valid insurance at time citation was issued. (ORS 806.020)

PURSUANT TO ORS 153.093 THE COURT NO LONGER HAS THE ABILITY TO DISMISS THE FOLLOWING TYPES OF CITATIONS UPON PROOF OF COMPLIANCE AT TIME OF APPEARANCE:

All Defective Equipment Violations
Fail to Change Name/Address on License
No Motorcycle Endorsement
Expired Operator's License
Expired Tags/Registration
No Medical Card
Failure to Pay Day Use Fee

No Chauffeurs License
No Operator's License
Failure to Display
Failure to Transfer Title
Failure to Carry/Display Registration
Unsafe Vehicle

See Fine Schedule on Page 1 or 2 under appropriate class of violation

GENERAL RULES TO FOLLOW

If there is no driving record available, then assume that this is the first offense.

If there is more than one conviction during the last two years, then the Violations Bureau fine is the full bail unless specified differently.

Fines shown are net fines after suspended amount is subtracted. Fines shown include the assessments unless otherwise state.

HIGHLIGHTS FROM THE 2009 LEGISLATIVE SESSION

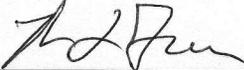
- Oregon Laws 2009, chapter 659, section 2, creates a temporary offense surcharge of \$45 that applies to all violations (except parking) committed between October 1, 2009, and June 30, 2011. (HB 2287)
- Oregon Laws 2009, chapter 834, effective January 1, 2010, modifies the offense of "operating a motor vehicle while using a mobile communication device." Prohibits person 18 years of age or older from operating a motor vehicle while using a hand-held mobile communication device except under certain circumstances. Operator under 18 years old cannot use hands-free or hand-held mobile communication device except under certain circumstances. On the effective date, this becomes a primary offense (can be the basis for a traffic stop). (HB2377)
- Oregon Laws 2009, chapter 198, section 1, effective 01/01/10, modifies Oregon's "move over law". Expands offense of failure to maintain a safe distance from an emergency vehicle or ambulance to include roadside assistance and tow vehicles. Sets standards for the speed reduction option on a highway having two or more lanes for traffic in a single direction, requiring slowing to a speed that is five miles per hour under the posted speed. (HB 2040)
- Oregon Laws 2009, chapter 614, effective 01/01/10, changes offense of "refusal to take a breath test" to refusal to take a test for intoxicants. Provides that all fines collected be credited and distributed to the State Police Account. Applies to offenses committed and citations issues on or after 01/01/10. (HB 2427)
- Oregon Laws 2009, chapter 498, section 1, effective 01/01/10, expands "seatbelt" requirements. Requires operator of motor vehicle to secure passenger under 16 years of age when motor vehicle is operated on premises open to the public. Requires persons responsible for safety and welfare of child under 16 years of age to secure child on certain all-terrain vehicles. (SB 579)
- Oregon Laws 2009, chapter 482, section 1, effective 01/01/10, increases penalty for operating a motorcycle without a motorcycle endorsement from a Class B to Class A violation. Requires court to suspend fine on condition that person complete motorcycle education course and obtain motorcycle endorsement within 120

days. (SB 124)

- Oregon Laws 2009, chapter 395, effective 06/18/09, makes various changes to commercial driver licenses. (SB 129)
- Oregon Laws 2009, chapter 452, effective 01/01/10, requires operators and passengers of Class II ATVs to wear motorcycle helmets if under 18 years old. (SB 583)
- Oregon Laws 2009, chapter 587, section 4, effective 01/01/10, changes the penalties for furnishing alcohol to a minor. (HB 3343)
- Oregon Laws 2009, chapter 490, effective 01/01/10, requires drivers and passengers to give notice to police officer immediately after accident under certain circumstances. Creates Class A violations of driver failure to report and accident and failure of vehicle occupant to make an accident report. (SB 314)

DATED THE 25th Day of September, 2009

EFFECTIVE THE 1st DAY OF October, 2009


Richard L. Barron, Presiding Judge

FIFTEENTH JUDICIAL DISTRICT VIOLATIONS BUREAU
BOATING FINE SCHEDULE

FILED

2009 SEP 25 AM 10:43

Effective October 1, 2009

COOS COUNTY COURT
COQUILLE, OREGON

	BASE FINE	0 Convictions	1 Conviction
Class A Boating Violations (ORS 830.305/830.390)			
Not contributing to an accident	\$472	\$354	\$413
Contributing to an accident	\$544	\$408	\$476
Class B Boating Violations (ORS 830.110, 830.174, 830.185, 830.195, 830.210, 830.215, 839,225,830.235, 830.260, 830.300, 830.315, 838.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.775, 830.795 or 830.830)			
Not Contributing to accident	\$287	\$216	\$251
Contributing to an accident	\$323	\$243	\$283
Class C Violations (ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475, 830.480, 830.785, 830.805 or 830.825)			
Not Contributing to accident	\$190	\$143	\$166
Contributing to an accident	\$215	\$162	\$188
Class D Violations (ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855)			
Not contributing to an accident	\$142	\$107	\$125
Contributing to an accident	\$154	\$116	\$135

Fines shown are net fines after suspended amount is subtracted. Fine shown include the assessments.

There is no reduction of Base Fine for more than one conviction in the last two years.

Pursuant to ORS153.093 the court no longer has the ability to dismiss equipment or numbering violations. Fine schedule for these types of tickets will be based upon the violation type.

Dated this 25th of September, 2009
Effective the 1st day October, 2009


Richard L. Barron, Presiding Judge

FIFTEENTH JUDICIAL DISTRICT VIOLATIONS BUREAU
FISH AND WILDLIFE FINE SCHEDULE

FILED

2009 SEP 25 AM 10:43

Effective October 1, 2009

COOS COUNTY COURT
COQUILLE, OREGON

	Base Fine	0 Convictions	1 Conviction
ORS 496.951(1)(a): Violations that do not involve the taking of wildlife, except for violations of the nonresident licensing provisions of ORS 497.102 and 497.121 and the provisions of ORS 496.994	\$ 75	\$ 57	\$ 66
ORS 496.951(1)(b): Violations that involve the taking of nongame mammals or game birds, and size or quantity limits for fish and shellfish, excluding salmon, steelhead trout and sturgeon	\$150	\$113	\$132
ORS 496.951(1)(c): Violations that involve the taking of salmon, steelhead trout, sturgeon, wildlife not otherwise provided for and all other wildlife offense.	\$299	\$225	\$262

Fines shown are net fines after suspended amount is subtracted. Fines shown include assessments.

There is no reduction to the Base Fine for more than one conviction in the last two years.

Dated this 25th day of September, 2009

Effective October 1, 2009


Richard L. Barron, Presiding Judge