

CHAPTER 17

PARKING VIOLATIONS

17.015 PARKING CITATIONS - DEFENDANT'S APPEARANCE

- (1) A person receiving a parking citation has three options to appear:
 - (a) Plead guilty by paying in full the bail indicated on the citation, either by mailing or personally delivering the payment, together with the citation, to the Multnomah County Courthouse. All payments in full must be received within 30 days of the date of violation.
 - (b) Mail the full amount of the bail applicable at the time of the request, together with the citation and a letter of explanation to the Multnomah County Courthouse, requesting a judge to make a determination. The court may refund the bail or forfeit all or part of it.
 - (c) Request a court hearing either by letter or by personally appearing at the Parking Section of the Criminal Division located in the Multnomah County Courthouse. All such requests must be accompanied by a check or money order for the full amount of bail applicable at the time of the request. Bail is forfeited if the person fails to appear at the hearing.
- (2) The bail amount set on a parking citation will double after 30 days from the date of issuance of the citation if the defendant has not appeared in a manner indicated by this rule. A partial payment of the bail does not constitute an appearance under this rule.
- (3) An Order for impoundment of a vehicle may be issued in the manner set forth in SLR 17.035 if the defendant does not appear in a manner indicated in this Rule.

17.025 DISMISSAL OF A PARKING CITATION BEFORE TRIAL

- (1) The Presiding Judge or the Chief Criminal Law Judge may dismiss parking citations without the appearance of the defendant in the following instances:
 - (a) The parking citation was issued prior to release of title interest and transfer of possession of the vehicle to the new owner, but the new owner is named as the defendant on the notice of delinquency. However, the new owner's failure to submit an application for title to the Department of Transportation within 30 days of the transferor's release of interest shall not be grounds for summary dismissal of the citation and an appearance shall be required;
 - (b) The parking citation was issued subsequent to the release of title interest and transfer of possession to the new owner but the named defendant on the notice of delinquency is the

prior owner. A prior owner who provides documentation described in SLR 17.025(3), below, shall not be subject to liability under this chapter, for the parking of the vehicle by another person;

- (c) There was no vehicle license number or other registration number written on the citation;
- (d) The vehicle license number written on the citation does not correspond to the vehicle registration information filed with the Motor Vehicles Division;
- (e) The meter at which an overtime parking citation was issued was defective, according to the City of Portland's Office of Transportation;
- (f) No violation is indicated on the parking citation;
- (g) The parking citation was issued to a vehicle that was reported to the police as stolen within 24 hours of the date and time listed on the citation or was issued on a date when the status of the vehicle remained listed as stolen, and a stolen report was on file with the Police Bureau;
- (h) A parking citation was issued to a vehicle on government business of such urgency that the driver was prevented from complying with parking regulations. The driver must sign an affidavit describing the urgent circumstances, and the department owning the vehicle must verify that the vehicle was on urgent government business;
- (i) The Court received a special written report from the issuing officer or Parking Patrol deputy explaining that there was no basis for the parking citation and requesting that it be dismissed; or
- (j) The exemption or privilege in ORS 811.635 for the holder of a disabled person parking permit is applicable to the type of parking offense cited and the registered owner or other recipient of the ticket provides proof to the Clerk of the Court of a valid disabled person parking permit at the time of the violation. This includes:
 - (i) Overtime tickets, or tickets for parking in a metered space without paying, unless the zone allows parking for only 30 minutes or less; or
 - (ii) Parking in a disabled zone pursuant to ORS 811.615(1)(a); or
 - (iii) Disabled zone parking offenses cited under Portland City Code 16.20.250 if a disabled person was being transported; or
- (k) A parking citation was issued for unlawful use or misuse of a disabled person parking permit for parking in a manner that would otherwise be a privilege for a permit holder and the registered owner or other recipient of the ticket provides proof to the Clerk of the Court of renewal of an expired disabled person parking permit

(2) The Presiding Judge or the Chief Criminal Judge may dismiss the parking citations listed in SLR 17.025(1) by signing a list containing the license numbers of the vehicles and the reasons for the dismissals.

(3) When a parking citation is subject to dismissal under SLR 17.025(1)(A) or (B), above, the person receiving the notice of the citation must bring the parking citation(s) and relevant documents relating to the transfer of the vehicle, including title, bill of sale or contract and vehicle registration if available, to the Parking Section of the Criminal Division. Proof that the prior owner notified the Department of Transportation of the transfer of the vehicle as required by Oregon law, together with proof of delivery of possession of the vehicle and assignment of title to a transferee, shall exempt the prior owner from liability for the parking of the vehicle by another person, provided the date of issuance of the parking citation is subsequent to the date of transfer of the vehicle reported by the prior owner.

(4) In all cases, the Presiding Judge or the Chief Criminal Judge may order a hearing to prevent abuse of the summary dismissal proceedings.

17.035 TOWING AND IMPOUNDMENTS

(1) The Court may order a vehicle towed if the registered owner or any other person, has not paid the bail or fine accrued on the parking citation in full, including amounts that have accrued after the first 30-day period, or posted bail in full and requested a hearing. The Court order for towing and impoundment of the vehicle may be issued 60 days after the date on which the notice of delinquent parking citation is mailed to the owner.

(2) Requests for a court hearing on the validity of a parking citation after receipt of an impoundment notice, or after impoundment, must be made personally at the Multnomah County Courthouse. All requests must include the posting of the amount of bail applicable at the time of the request, unless waived by a judge. The bail is the amount of bail or fines accrued on all the parking citations against the vehicle towed or impounded, including bail amounts that have doubled pursuant to SLR 17.015(2).

17.045 NOTICE OF REPRESENTATION BY AN ATTORNEY

An attorney representing a person in a parking citation case must notify the Court in writing of the representation at least seven days before the date of trial. The notification must certify that a copy has been delivered to the prosecuting attorney.

17.055 POSTPONEMENTS AND OTHER MOTIONS

(1) When requested at least 14 days prior to the scheduled trial date for a parking citation, a person may obtain a single postponement of the court hearing. Such requests may be made in

writing or by appearing personally at the Parking Section of the Criminal Division. The person making the request must state a reason for the postponement.

(2) Additional postponement requests must be decided by the Court and will only be granted if good cause is shown. The request must be in writing and state the reasons relied on for the request. Such requests must be received by the Court at least 14 days prior to the scheduled hearing date. At its discretion, the Court may require an appearance, oral argument, and the presentation of evidence on a motion for postponement.

(3) At any time before the trial date, the person cited, whether or not represented by counsel, may withdraw a not guilty plea or remove the case from the court docket by following the procedure for mail pleas set out in SLR 17.015. The Court will notify the police officers, the parking enforcement deputies and volunteers and the District Attorney, when appropriate.

(4) A person whose car has been ordered impounded by the Court may appear personally at the Parking Section of the Criminal Division and request that the matter be placed on the Traffic Court Calendar. Bail is required unless waived by a judge.

17.065 HEARING PROCEDURE IN PARKING CITATION CASES

(1) In trial, the judge may take an active role in questioning the witnesses to insure substantial justice will be done.

(2) Jury trials are not permitted in parking citation cases.

(3) Parking citations issued against a particular defendant's vehicle may be consolidated for trial only at the discretion of the Court.

17.067 FAILURE TO APPEAR

(1) The registered owner of a vehicle for which a parking citation is issued, is required to appear, as described in SLR 17.015, above, on the cited offense. If the registered owner of a vehicle for which a parking citation has been issued, or any other person, fails to appear to answer the citation within 30 days, the court may, after notice to the named defendant, enter a default judgment against the defendant 60 days from the date of the citation. The notice of citation mailed to the named defendant will indicate the length of time before which the court will make a finding on the citation based on available evidence, without a hearing, and enter judgment thereon. If the determination is one of conviction, the court may impose a sentence of a fine up to the maximum amount allowed by law and may order a warrant for the impoundment of the vehicle listed on the citation to enforce the collection of the fine. Citations may also be assigned to the Department of Revenue for collection. Unless otherwise ordered by the court, a judgment of conviction on the parking citation shall be entered against the registered owner of the vehicle.

(2) A defendant against whom a judgment is entered under subsection (1) of this section, may file a written motion for relief from default judgment within a reasonable time, not to exceed one year. An accompanying affidavit must set forth facts demonstrating that the failure to appear on the citation in a manner set forth herein, was due to mistake, inadvertence, surprise or excusable neglect. At the time the motion for relief is filed with the court, the defendant must post bail in the amount of the fine imposed in the judgment. The bail requirement may be waived by the Court for good cause. A motion for relief cannot be filed until the bail is posted or waived by the Court. The Court may rule on the motion without a hearing or may require the defendant to present oral argument, and may grant or deny relief from the default judgment.