In the Matter of the Adoption of the Uniform Fine Schedule for Violations	)))))	CHIEF JUSTICE ORDER No. 11-095 ORDER ESTABLISHING UNIFORM FINE SCHEDULE FOR VIOLATIONS

ORS 153.800, as amended by Oregon Laws 2011, chapter 597, section 149, directs the Chief Justice of the Supreme Court to establish a uniform fine schedule for violations prosecuted in circuit courts. A circuit court may establish a Violations Bureau, which has authority over violations pursuant to ORS 153.800, as amended by Oregon Laws 2011, chapter 597, section 149. Felonies and misdemeanors are not subject to the authority of a Violations Bureau.

Therefore pursuant to ORS 1.002 and ORS 153.800, as amended by Oregon Laws 2011, chapter 597, section 149, I HEREBY ORDER:

1. The Violations Bureau may presume that the presumptive fine is the amount the officer writes on the citation.

2. The Violations Bureau shall reduce the fine for a violation to the amount shown below in Chart 1 if:

   a. The offense is a state law violation in the Vehicle Code, including state parking violations;

   b. The offense is a Class A, B, C, or D violation;

   c. The Violations Bureau has authority over all of the charges on the citation or complaint as permitted under this order;

   d. The defendant requests a reduction in the amount of the fine;

   e. The Violations Bureau reviews the defendant's driving record that shows at least the three (3) years preceding the date of the current incident. If the defendant does not have an Oregon driving record that covers the past three (3) years, the defendant must provide the Violations Bureau with a copy of driving record from the state in which he or she is licensed or was previously licensed; **AND**

   f. The defendant's combined driving record shows no more than two (2) prior convictions in the three (3) years preceding the date of the current incident. Convictions from the current incident do not count towards the total number of prior convictions.

   If the defendant is convicted of multiple offenses resulting from a single incident and qualifies for a reduction under paragraphs 2a through 2f, the Violations Bureau shall apply the same reduction to each offense for which the defendant is convicted.

CHART 1:

Classified Traffic Violations	Presumptive Fine	No Prior Convictions in Last 3 Years	1-2 Prior Convictions in Last 3 Years
Standard Traffic Violation			
(1) Class A violation	$435	$220	$330
(2) Class B violation	$260	$130	$195
(3) Class C violation	$160	$80	$120
(4) Class D violation	$110	$60	$85
Traffic Violation in Special Zone (Highway Work Zone, Posted School Zone, Safety Corridor)			
(5) Class A violation	$870	$435	$655
(6) Class B violation	$520	$260	$390
(7) Class C violation, speed only	$320	$160	$240
(8) Class D violation, speed only	$220	$110	$165

3. The Violations Bureau has authority over but cannot impose a fine lower than the presumptive fine amount on any of the following:

   a. Classified traffic violations that do not meet the criteria for reduction under subsection 2 of this order;

   b. Specific fine violations, including but not limited to snow park, possession of less than one ounce of marijuana, and driving at a speed of 100 mph or greater.

   c. Violations of wildlife laws and rules under ORS chapters 496, 497, 498, and 501;

   d. Violations of commercial fishing laws and rules under ORS chapters 506, 507, 508, 509, 511, and 513;

   e. Schedule I, II, and III vehicle overweight violations under ORS chapter 825;

   f. Federal motor carrier laws;

   g. Violations of boating laws and rules under ORS chapter 830; and

   h. Any other violation not listed in this order.

4. The Violations Bureau does not have authority over a complaint or citation that includes one or more of the following:

   a. A violation where the presumptive fine is not included or is not legible;

   b. A citation issued to a corporation, as the corporation is required to personally appear per ORS 153.061(3), as amended by Oregon Laws 2011, chapter 597, section 25;

c. Careless driving under ORS 811.135 involving the serious physical injury or death of a vulnerable user of a public way, as the defendant is required to personally appear per ORS 153.061(2), as amended by Oregon Laws 2011, chapter 597, section 25; and

d. A misdemeanor treated as a violation under ORS 161.566, as amended by Oregon Laws 2011, chapter 597, section 16, or 161.568, as amended by Oregon Laws 2011, chapter 597, section 17. This prohibition does not apply to a misdemeanor charge changed to an offense that is a violation.

5. A circuit court may establish by order a Violations Bureau schedule for violation of ordinances of a political subdivision, pursuant to, but not limited to, ORS 153.025, as amended by Oregon Laws 2011, chapter 597, section 111.

6. Except as provided in subsection 5 of this order, a circuit court may not issue an order regarding a Violations Bureau that contradicts this order.

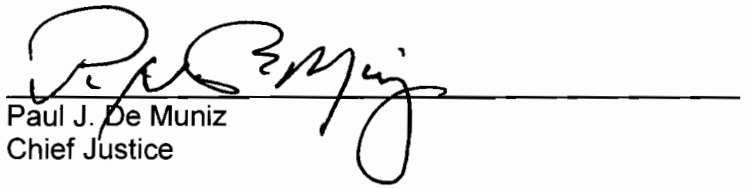
7. Nothing in this order is intended to limit the authority of a judge to impose a greater or lesser amount of financial obligation upon conviction in an individual case where allowed by law.

8. Nothing in this order is intended to limit the ability of a circuit court to adopt local orders or procedures requiring the personal appearance by particular defendants or by all defendants in specified categories of offenses in accordance with ORS 153.061(6), as amended by Oregon Laws 2011, chapter 597, section 25.

9. This order applies to offenses committed on or after January 1, 2012.

This order takes effect immediately.

Dated this 15th day of December, 2011.



Paul J. De Muniz
Chief Justice