

Enrolled House Bill 2777

Sponsored by Representative BARKER, Senator DEMBROW (at the request of TriMet)

CHAPTER

AN ACT

Relating to administrative processes for mass transit districts; creating new provisions; and amending ORS 153.054.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made a part of ORS chapter 267.

SECTION 2. (1) A mass transit district may, by ordinance, establish an administrative process to adjudicate ordinance violations as described in this section.

(2)(a) An administrative process established under this section may be used only to adjudicate violations of ordinances that the mass transit district has elected to treat as Class A, B, C or D violations under ORS 153.025.

(b) The ordinance establishing the administrative process must describe with particularity the violations that are subject to the process. The ordinance may provide that the process applies to all violations described in paragraph (a) of this subsection, or any subset of such violations.

(3) A mass transit district that has established an administrative process under this section shall, when enforcing a violation that is subject to the process:

(a) Issue a citation as described in ORS 153.045;

(b) Stay the filing of the complaint, abstract of court record or any other materials with a court for 90 days from the date of issuance of the citation;

(c) Provide for an appearance date in the summons, as described in ORS 153.051 (1), that is no earlier than the date of expiration of the stay described in paragraph (b) of this subsection; and

(d) Cause the summons to be served on the person cited as described in ORS 153.042.

(4)(a) The ordinance establishing an administrative process under this section may provide for administrative hearings for all violations or any subset of violations subject to the process.

(b) The ordinance must require any administrative hearing to be completed within 60 days of the date of issuance of the citation.

(5)(a) The ordinance establishing an administrative process under this section may provide for the assessment of a fine, payable to the mass transit district, for violations subject to the process. The fine may not exceed the maximum penalty that could be imposed for the violation under otherwise applicable law. The fine, if assessed, must be the exclusive penalty imposed for the violation.

(b) The ordinance may allow a person cited to perform community service in lieu of paying a fine.

(6)(a) A person cited successfully resolves a citation through the administrative process if:

(A) The mass transit district assesses a fine and the person pays the fine within the stay period described in subsection (3)(b) of this section;

(B) The person fully performs community service in lieu of paying a fine, according to standards established by the mass transit district, within the stay period described in subsection (3)(b) of this section; or

(C) The mass transit district, within the stay period described in subsection (3)(b) of this section, determines that the person did not commit the violation for which the person was cited or otherwise determines that no penalty should be assessed.

(b) If a person successfully resolves a citation through the administrative process, the mass transit district may not file the complaint or abstract of court record to any court or otherwise initiate court proceedings relating to the citation.

(c) If a person does not successfully resolve a citation through the administrative process, the mass transit district shall file the complaint and abstract of court record with the court pursuant to ORS 153.054.

(7) A person cited may, at any time during the stay period described in subsection (3)(b) of this section, request that the citation be filed with a court. The request may be made before, during or after an administrative process conducted under the authority of this section. Upon such request, the mass transit district shall cease the administrative process with respect to the citation and shall file the complaint and abstract of court record with the court pursuant to ORS 153.054.

(8) If a mass transit district stays a court filing as described in subsection (3)(b) of this section, the running of any applicable statutory time limitation for the commencement of a trial is tolled during the stay period.

SECTION 3. (1) A mass transit district that establishes an administrative process to adjudicate ordinance violations under section 2 of this 2017 Act shall track data relating to each violation subject to the administrative process, including:

(a) The type of violation and the approximate location of the violation;

(b) The resolution of the administrative process, including the amount of fine assessed, if any, the amount and type of community service required, if any, and whether the citation was successfully resolved through the administrative process pursuant to section 2 of this 2017 Act;

(c) The race and sex of the person cited, based on the observations of the person issuing the citation; and

(d) The age of the person cited, if provided to the person issuing the citation.

(2)(a) The mass transit district shall prepare annual reports on the data described in subsection (1) of this section. The reports shall disclose the data only in an aggregate manner, such that the disclosed information cannot be used to identify, contact or locate any single individual.

(b) The mass transit district shall annually transmit the report to the committees or interim committees of the Legislative Assembly related to the judiciary. The first report must be made no later than one year after the administrative process to adjudicate ordinance violations is implemented.

SECTION 4. ORS 153.054 is amended to read:

153.054. Except as provided in ORS 810.439, 811.590, 811.615 or 811.617 or section 2 of this 2017 Act or other law, an enforcement officer issuing a violation 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.

Passed by House March 29, 2017

Repassed by House June 12, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 7, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State