

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR TILLAMOOK COUNTY

In the matter of reaffirming the Court's policy)
on dismissals and "fix it" tickets, setting policy for)
the Violations Bureau, and establishing a \$25)
administrative fee for such dismissals.) General Order 2011-2

This matter came before the court on the court's own motion. It appears that the court routinely dismisses a number of tickets in categories where the underlying violation is based on equipment and paperwork deficiencies, that such cases are dismissed when the defendant shows compliance in a timely manner before the arraignment date, and that justice is achieved by such compliance.

Dismissals in such matters are recognized in some statutes by the Legislature when compliance has been achieved. It is sound public policy to dismiss violations for a variety of licensing, permitting, equipment, and related matters when a defendant has shown compliance to the satisfaction of the court.

It is also appropriate for the court to impose an administrative fee as a court cost in such matters, as judicial resources are expended to file and process the ticket, review the information presented for compliance, make a determination of compliance, and then to dismiss the ticket, and advise the defendant. \$25 is a reasonable fee for such work and judicial time, given the cost to the county of staff time and equipment resources, as well as postage. Such a fee is comparable to similar fees imposed by similar courts throughout Oregon.

ORS ch 1 allows the court to enter general orders and policies for its internal functioning and work.

Being fully advised, it is hereby

ORDERED that a number of violations are considered "fix it" tickets and subject to dismissal if the defendant provides to the court sufficient proof of compliance with the underlying statute prior to the arraignment date. Those violations include:

Traffic

- Fail change address with DMV
- Fail to register vehicle
- Fail to pay registration fee (tag)
- Using out of state plates
- Fail to renew tags
- Fail carry vehicle registration
- No front plate
- Altered plates (hmm. See if its deliberate or fraudulent)
- Improper display tags (tags switched inadvertently)
- Improper display trip permit
- Driving uninsured
- Fail carry proof insurance

- No operator's license
- DWS
- Fail change info on driver's license
- Fail change info on ID card
- Fail to maintain seatbelt
- Studded tires
- Improper mudflaps and fenders
- Visible emissions
 - (but not smoke from pipes on the river!)
- Tinted windows
- No rear view mirror
- TV visible to driver
- Improper exhaust
- Improper lights
- Defective lights
- Prohibited lights

ATV

- Operation without required equipment
- No ATV permit
- No out of state permit (Washington folks have reciprocity on their ATV permits)
- No safety card (class I, class III)
- ATV without proper lights
- Endangering ATV Operator (parent lets kid under 16 operate w/o education card
 - NOT fail to supervise ATV operator
- No insurance (Class II only)
- Fail to carry insurance card (Class II only)

Marine

- Boat licenses, numbers
- Equipment
- NOT lifejackets

Dismissal is not the appropriate remedy when the defendant fails to appear in court on a timely manner and is thus in default.

The above list is not exhaustive nor inclusive of tickets that are to be considered dismissible and "fix it" tickets.

The violations bureau is given authority to implement this order.

This order is effective September 15, 2011.

DATED September 12, 2011.

Neal C. Lemery
Justice of the Peace