

RESOLUTION NO. 2632

A RESOLUTION OF THE CITY OF WILSONVILLE TO ESTABLISH A TRAFFIC INFRACTION DIVERSION PROGRAM AS AN OPTION AVAILABLE THROUGH THE CITY'S MUNICIPAL COURT VIOLATIONS BUREAU

WHEREAS, the City of Wilsonville Municipal Court has a violations bureau under ORS 153.800 for processing certain traffic violations committed within City limits; and

WHEREAS, it is the general policy of the City to establish policies and procedure that allow the City to operate in the most efficient manner; and

WHEREAS, it is the general policy of the City through its Municipal Court to promote public safety through public education, adjudication, and compliance programs; and

WHEREAS, traffic diversion (school) programs promote compliance and traffic safety by educating drivers about safe driving and relevant laws that they are expected to obey; and

WHEREAS, offering a traffic infraction diversion program will streamline case management and increase Court efficiency; and

WHEREAS, the Municipal Court judge supports the traffic diversion program; and

WHEREAS, the City has authority to create a program under its violation bureau where drivers who are issued certain types of citations under the listed circumstances are diverted from the Municipal Court into a program that educates drivers on traffic safety;

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. To establish a Traffic Infraction Diversion Program to be offered through the City's Municipal Court Violation Bureau where adult drivers who are issued certain types of citations under certain terms and qualifications are given an adjudication option to be diverted from the Municipal Court into a program that educates drivers on traffic safety (i.e., traffic school).
2. The City Council hereby establishes a traffic diversion program as described in the attached **Exhibit A**.
3. The Municipal Court is delegated the authority to select appropriate providers of the traffic training for violators diverted into the program and to adopt all necessary rules, including adjusting the required fees, for administering the program.

4. This Resolution becomes effective upon the date of adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of June, 2017, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Excused
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Yes

Attachments:

Exhibit A – City of Wilsonville Traffic School Program

EXHIBIT A

City of Wilsonville Traffic School Program

This program is designed to allow drivers the opportunity to recognize and review their driving habits, attitudes, and behaviors. The objective is to motivate drivers to heighten their driving awareness and establish safer driving techniques for the enhanced safety of the entire community. If qualified for the program, a defendant may voluntarily enter into the traffic school program.

Qualifications for the program are as follows:

1. The violator is cited for a single Class B, C, or D moving violation that does not involve an accident, excluding violations under ORS 806.010 (driving uninsured) and ORS 806.012 (failure to carry proof of financial responsibility). Class A violations are ineligible.
2. The violator has no previous moving violation convictions or traffic crime convictions anywhere within the State of Oregon within the previous three (3) years.
3. The violator has not participated in a traffic diversion program in the previous three (3) years within the State of Oregon.
4. The violator has a valid non-commercial driver license or permit.
5. The violator has no outstanding unpaid City of Wilsonville parking citations.

Terms for the program are as follows:

1. Pay a specified fee in lieu of the base fine that is equivalent to seventy-five percent (75%) of the base fine to the Municipal Court with a request for traffic school. At May 2017 the base fine schedule and corresponding 75% fee would be as follows:

Class	Violation	Fine	Fee
B	Non-Special	\$260	\$195
C	Non-Special	\$160	\$120
D	Non-Special	\$110	\$82

2. Submit a “no contest” plea, which will be suspended pending the completion of traffic school. Diversion must be elected at the time a plea is entered or it will not be available.
3. Complete a traffic school program, from the list of schools that have been approved by the Municipal Court, within sixty (60) days of the court date as printed on the original citation. No extension is permitted for any reason.

Upon successful completion of the terms of the program, the traffic violation charge will be dismissed and will not appear on the defendant’s driving record. If the fine is not paid and the class is not completed within 60 days, the no contest plea shall be entered, and the full presumptive fine assessed, plus a \$50.00 noncompliance fee, will be due on the 61st day.