

IN THE MUNICIPAL COURT OF THE CITY OF TIGARD
COUNTY OF WASHINGTON, STATE OF OREGON

In the Matter of the)
) Rule 6
TRAFFIC DIVERSION PROGRAM) Supplemental Court Rule

In the interest of promoting traffic safety and compliance with state and municipal laws, the court hereby establishes the Traffic Diversion Program (hereinafter “diversion”) described below.

Participation in diversion is subject to the following conditions:

1. To be eligible for diversion, a defendant must request in writing to enter a plea of “no contest.” The court shall defer entry of the “no contest” plea for 120 days pending completion of all requirements of diversion, as set forth below.
2. Eligibility requirements: Unless otherwise ordered by the court, eligible defendants include:
 - a) During the five years prior to the date of the citation, any defendant who has not been convicted of any moving violation and has not participated in any other court-supervised traffic diversion program in any court.
 - b) For purposes of this rule, the term “moving violation” means any violation of vehicle laws, including traffic crimes, that is committed by the driver of a vehicle while the vehicle is in motion. Parking violations, equipment violations or documentary violations relating to insurance, registration, licensing and inspection shall be considered “nonmoving” violations.
 - c) Eligible defendants who enter a plea of “not guilty” who withdraw their plea, enter a plea of “no contest,” and be referred to a diversion program no later than the commencement of trial. For purposes of this rule, a trial commences when the first witness is sworn in to testify. For a trial by affidavit, the trial commences upon receipt of defendant’s affidavit.
 - d) Defendants under the age of 21 charged with Possession of less than 1 ounce of marijuana (ORS 475.864[2]), provided they have no convictions or diversions for the same violation within the previous three years. Defendants enrolled in a marijuana diversion program will be referred to an appropriate substance-abuse education class subject to the requirements of paragraph 4 below.
3. The following defendants are not eligible for diversion programs:
 - a) Any holder of a commercial driver’s license;
 - b) Any juvenile who has been charged with a Class A violation, unless otherwise ordered by the court;
 - c) Any defendant cited for Unlawful use of a Mobile Electronic Device (ORS

811.507); and,

d) Any defendant charged with driving a vehicle at a speed of 100 mph or greater.

4. Traffic Safety Education Classes (“class”):

- a) Diversion participants must complete and pay all fees for a class approved in advance by the court no later than 120 days after executing a diversion agreement.
- b) It is the responsibility of each diversion participant to contact the approved class and make arrangements to attend and pay the appropriate fee within the time permitted by the court.
- c) Each participant shall be responsible for ensuring that a certificate of completion for the class is filed with the court no later than 120 days after execution of a diversion agreement, with no extensions permitted unless otherwise ordered by the court based on circumstances outside the participant’s control.

5. Court fees: In addition to any fees required by the class, diversion participants shall pay a nonrefundable diversion fee to the court as follows:

Class A violations	\$331
Class B violations:	200
Class C violations:	125
Class D violations:	88

- a) Court fees shall be doubled for work and school zone violations.
- b) Full payment of the specified court fee shall be completed no later than 120 days from the date of execution of the diversion agreement, with no extensions permitted except as ordered by the court.

6. Additional requirements: As appropriate, the court may impose additional conditions of diversion, including a requirement that a participant not receive any additional traffic citations resulting in a conviction for a specified period.

7. Noncompliance: If a participant fails to complete all requirements of diversion within 120 days, the court may take one or more of the following steps without further notice:

- a) Enter a finding of “guilty” and forward an abstract of the conviction to Oregon DMV for entry on the defendant’s driving record;
- b) Enter a judgment equal to the full presumptive fine for the class of violation, with credit for any payment made under the diversion agreement; and/or
- c) Enforce the judgment by pursuing standard collections practices and remedies, as authorized by Oregon law.

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DATED: January 25, 2018.

A handwritten signature in blue ink, reading "Michael J. O'Brien", written over a horizontal line.

Michael J. O'Brien
Presiding Judge