

Chapter 484

Traffic Offense Procedures; Traffic Safety

Chapter 484

NOTES OF DECISIONS

The purpose of this chapter is to employ a single uniform traffic citation throughout the state. *State v. Powell*, (1962) 233 Or 71, 377 P2d 7.

FURTHER CITATIONS: *Silva v. State*, (1966) 243 Or 187, 412 P2d 375.

ATTY. GEN. OPINIONS: Traffic offense authority of state courts, 1966-68, p 420; construing police officer as in ORS chapter 483, 1966-68, p 452; authority of traffic courts to compel reappearance of arrestees, (1968) Vol 34, p 290.

LAW REVIEW CITATIONS: 40 OLR 47; 6 WLJ 360.

484.010

CASE CITATIONS: *State v. Roderick*, (1966) 243 Or 105, 412 P2d 17; *State v. Allen*, (1967) 248 Or 376, 434 P2d 470; *State v. Jones*, (1967) 248 Or 428, 435 P2d 317; *State v. Brown*, (1971) 5 Or App 412, 485 P2d 444.

ATTY. GEN. OPINIONS: Traffic offense as including operation of vehicle exceeding weight and size limitations, 1956-58, p 10; formation of Traffic Court Rules Committee, 1958-60, p 306; county fund to which collections are credited, 1964-66, p 386; division of fines collected in Portland municipal court for violation of Motor Vehicle Code, 1964-66, p 404; brand inspector as a police officer, 1966-68, p 65; impoundment procedure, 1966-68, pp 420, 461; office of municipal judge as office of this state, (1970) Vol 35, p 252.

484.020

ATTY. GEN. OPINIONS: Proceedings not required to use the uniform traffic citation and complaint, 1960-62, p 267.

484.030

CASE CITATIONS: *Grayson v. State*, (1968) 249 Or 92, 436 P2d 261.

ATTY. GEN. OPINIONS: Official qualified to be traffic court violations clerk, 1964-66, p 127; division of fines collected in Portland municipal court for violation of Motor Vehicle Code, 1964-66, p 404; impoundment procedure, 1966-68, p 420; office of municipal judge as office of this state, (1970) Vol 35, p 252.

LAW REVIEW CITATIONS: 40 OLR 47.

484.100

CASE CITATIONS: *State v. Allen*, (1967) 248 Or 376, 434 P2d 740.

ATTY. GEN. OPINIONS: Arrest as prerequisite to issuance

of citation, 1956-58, p 62; sheriff's authority to use radar, 1966-68, p 452; compelling appearance of accused, (1968) Vol 34, p 290.

484.105

ATTY. GEN. OPINIONS: Compelling appearance of accused, (1968) Vol 34, p 290.

484.120

CASE CITATIONS: *State v. Allen*, (1967) 248 Or 376, 434 P2d 740.

ATTY. GEN. OPINIONS: Arrest as prerequisite to issuance of citation, 1956-58, p 62; insolvency of insurance companies with security deposits to back up automobile membership cards as bail, 1958-60, p 27; compelling appearance of accused, (1968) Vol 34, p 290.

484.130

CASE CITATIONS: *State ex rel. Hemphill v. Rafferty*, (1967) 247 Or 475, 430 P2d 1017.

ATTY. GEN. OPINIONS: Procedure where traffic officer finds overloaded truck upon highway, 1920-22, p 534; application of section to foreign corporation licensed to do business in Oregon to same extent as a domestic corporation, 1926-28, p 598; procedure for automobile association to obtain release of security for bail deposit in State Treasury, 1940-42, p 500; insolvency of insurance companies with security deposits to back up automobile membership cards as bail, 1958-60, p 27; compelling appearance of accused, (1968) Vol 34, p 290.

484.150

NOTES OF DECISIONS

State's failure to prove all items mentioned is not a fatal variance. *State v. Waggoner*, (1961) 228 Or 334, 365 P2d 291.

Use of a complaint rather than a uniform traffic citation is not a defect such as can be reached by demurrer. *State v. Powell*, (1962) 233 Or 71, 377 P2d 7, cert. denied, 84 S Ct 176, 11 L Ed 2d 126.

As used in this section, "before plea" meant before plea made in district court, not before plea made in circuit court. *State v. Rush*, (1969) 253 Or 560, 456 P2d 496.

FURTHER CITATIONS: *Kirkendall v. Korseberg*, (1967) 247 Or 75, 427 P2d 418; *State ex rel. Hemphill v. Rafferty*, (1967) 247 Or 475, 430 P2d 1017; *State v. Allen*, (1967) 248 Or 376, 434 P2d 740.

ATTY. GEN. OPINIONS: Arrest as prerequisite to issuance of citation, 1956-58, p 62; collection of assessment for police training with bail deposit, (1971) Vol 35, p 740.

484.155

ATTY. GEN. OPINIONS: Requirement that complaint be verified, 1960-62, p 267.

484.170

NOTES OF DECISIONS

A traffic complaint is effective even though defendant might have to make some reasonable inquiry in order to know what offense is charged. *State v. Waggoner*, (1961) 228 Or 334, 365 P2d 291; *City of Oakland v. Moore*, (1969) 1 Or App 80, 457 P2d 659, Sup Ct review denied.

Use of a complaint rather than a uniform traffic citation is not a defect such as can be reached by demurrer. *State v. Powell*, (1962) 233 Or 71, 377 P2d 7, cert. denied, 84 S Ct 176, 11 L Ed 2d 126.

The Oregon uniform traffic citation and complaint is not controlled by the statutes which apply to indictments. *State v. Rush*, (1969) 253 Or 560, 456 P2d 496.

ATTY. GEN. OPINIONS: Proceedings not required to use the uniform traffic citation and complaint, 1960-62, p 267.

484.190

CASE CITATIONS: *Kirkendall v. Korseberg*, (1967) 247 Or 75, 427 P2d 418.

ATTY. GEN. OPINIONS: Compelling appearance of accused, (1968) Vol 34, p 290.

484.200

NOTES OF DECISIONS

A judgment forfeiting bail in a traffic case is not the equivalent of a judgment of conviction. *Kirkendall v. Korseberg*, (1967) 247 Or 75, 427 P2d 418.

484.210

ATTY. GEN. OPINIONS: Compelling appearance of accused, (1968) Vol 34, p 290.

484.220

CASE CITATIONS: *Silva v. State*, (1966) 243 Or 187, 412 P2d 375.

484.222

ATTY. GEN. OPINIONS: Impoundment procedure, 1966-68, pp 420, 461; term of impoundment of leased vehicle, 1966-68, p 437.

484.230

ATTY. GEN. OPINIONS: Compelling appearance of accused, enforcing payment of fine, (1968) Vol 34, p 290.

484.240

ATTY. GEN. OPINIONS: Service by State Police of municipal court warrant on nonresident of city, 1948-50, p 291.

484.250

ATTY. GEN. OPINIONS: Application of general law, 1922-24, p 518; disposition and distribution of fines and moneys collected in regard to violations prosecuted by the state in city courts, 1934-36, pp 548, 733, 1936-38, p 263; authority of justice of the peace to deduct costs of money orders or bank checks from fines or other money required to be paid to the State Treasurer, 1936-38, p 137; deduction of court costs assessed and collected for violation of motor vehicle laws, 1936-38, p 703; payment of one-half the amount of fines collected, less unpaid costs, to state in cases appealed from justice to circuit courts, 1940-42, p 46; fines disposed of according to state law, 1940-42, p 144; fine collected by circuit court on appeal from municipal court for violation of city ordinance as payable to city treasurer, 1940-42, p 281; state as entitled to half of fines and forfeitures after payment of costs, where arrest was by state officer upon complaint of a private citizen, 1940-42, p 571; state share of fine under prior similar statute, 1958-60, p 129; effect with regard to date of arrest, complaint and conviction, 1960-62, p 13; county fund to which collections are credited, 1964-66, p 386; division of fines collected in Portland municipal court for violation of Motor Vehicle Code, 1964-66, p 404.

LAW REVIEW CITATIONS: 39 OLR 220.

484.310

ATTY. GEN. OPINIONS: Construing "other appropriate official," 1964-66, p 127.