

17.015 OPTIONS AFTER RECEIVING A PARKING CITATION

The registered owner of a vehicle cited for a parking violation within the scope of this Chapter shall exercise one of the following options within 60 days from the date notice of the citation is mailed:

- (1) Submit payment in the amount of the bail indicated on the citation including citation number and vehicle license plate number with the payment. Payment made under this subsection will close the matter.
- (2) A written no contest plea may be submitted with a statement or explanation, using the Response to Parking Notice form mailed with your Notice of Parking Violation or available on the Court's website. After consideration of the statement or explanation and any other documentation, the Court shall enter a finding and impose a fine if applicable. Submission of a written no contest plea is a waiver of the right to a court hearing and consent to any judgment rendered.
- (3) Using the Response to Parking Notice form mailed with your Notice of Parking Violation or available on the Court's website, submit a plea of not guilty and request a trial.

17.071 PRETRIAL AND TRIAL PROCEEDINGS

- (1) **Appearances.** The recipient of a parking citation may be represented by counsel. At the discretion of the judicial officer, another individual willing to accept financial responsibility for the case may be allowed to appear to address the case.
- (2) **Notices.** Once trial has been scheduled in accordance with SLR 17.015(3), the Court will issue a trial notice to the registered owner and to the law enforcement agency that issued the parking citation. Any notice to the registered owner will be sent to the address of the registered owner as provided by the Department of Motor Vehicles, or to an updated mailing address provided to the Court either by the registered owner or the US Postal Service.
- (3) **Trial Postponements.** The issuing officer and the recipient of the citation are each permitted one postponement of the scheduled trial date. A permissible postponement must be requested in writing, or presented in-person, to the Court more than 14 days prior to the scheduled trial date. Second (and subsequent) or untimely postponement requests will be summarily denied absent extraordinary circumstances found by the Court in its sound discretion.
- (4) **Trial Cancellations.** In the event (a) of a dismissal granted in accordance with SLR 17.025, or (b) the recipient elects to change a previously entered "not guilty" plea and proceed instead in accordance with SLR 17.015(1) or (2), a previously scheduled trial will be cancelled by the Court.
- (5) **Trials.** At trial, the judicial officer will consider the testimony of the parties, any photographic or documentary evidence submitted by the parties and such other material as the judicial officer deems relevant to the case. The registered owner and any witnesses may appear by declaration with the written submission substituting for in-person testimony. The submission of a declaration constitutes a waiver of the right to

appear in person and an agreement to pay any bail assessed in accordance with SLR 17.905. After consideration of all the evidence, the judicial officer will either (a) make a finding of not guilty, enter a judgment of acquittal and dismiss the case, or (b) make a finding of guilty, enter a judgment of conviction and assess a bail in accordance with SLR 17.905.

17.915 PAYMENT OF BAIL

- (1) If payment of any bail was deferred or waived prior to entry of judgment or if the amount of bail deposited is less than the fine assessed in the judgment, the bail fine or remaining amount of the fine shall be due 30 days after entry of judgment. Thereafter, the Court may assess additional late fees, administrative fees and collection fees, as permitted by law, until the balance due is paid in full.
- (2) If the amount of bail deposited is greater than the fine assessed in the judgment, the excess will be refunded to the party who paid the bail.

17.955 TOWING AND IMPOUNDMENT

- (1) Standard for Issuance of Tow Order. The Court may issue an order permitting a vehicle to be towed and impounded if (a) the vehicle has been issued at least six parking citations that remain unpaid, or (b) at least \$500 in accrued bail and fees are owed on judgments attributable to parking citations issued to the vehicle.
- (2) Tow Orders *In Rem*. An Order issued in accordance with this rule is *in rem*, or directed toward the vehicle that was cited for parking violations when the assessed bail on those citations remains unpaid. Subject to the provisions of subsection (3) of this rule, a vehicle may be towed and impounded without regard to transfer(s) of title to the vehicle.
- (3) Outstanding Citations and Requests for Release.
 - (a) Any contrary provisions of this Chapter notwithstanding, once a vehicle has been towed and impounded in accordance with this rule, any parking citations that have been issued to the vehicle but remain unadjudicated must be addressed according to SLR 17.015 prior to release of the vehicle.
 - (b) If an in-person hearing is requested to release a vehicle towed and impounded in accordance with this rule, the hearing shall be held within two business days of the request. Subject to the further provisions of this rule and any other conditions imposed by the judicial officer considering the release request, all outstanding fees and bail owing on closed, adjudicated, or parking citations in which the incident date is older than 6 months must be paid in full as a condition of release. The judicial officer considering the release request may waive payment, except with respect to such amounts owing on account of previously adjudicated citations which have been transferred to the Oregon Department of Revenue or other third party for collection. Any payment waiver granted under this subsection is limited to release of the vehicle and does nothing to limit the underlying financial obligation of any person liable for payment of these financial obligations.

- (c) A person requesting release of a vehicle towed and impounded in accordance with this rule need not make the payment required by subsection (3)(b) of this rule as a condition of the vehicle's release if the person establishes with substantial evidence that (i) the person is either a bona fide purchaser for value of the vehicle or a bona fide holder of a perfected security interest in the vehicle and (ii) if the person is a bona fide purchaser for value of the vehicle, all citations that resulted in the tow and impoundment (other than a citation issued contemporaneous with the tow itself) were issued prior to the date of purchase.
- (d) In order to satisfy the requirements of subsection (3)(c) of this rule, the person requesting release of a vehicle as a bona fide purchase for value must provide documentation satisfactory to the judicial officer including, without limitation, (i) bill of sale or equivalent documentation signed by the seller and the purchaser, (ii) proof of registration and title in the name of the purchaser, (iii) proof of fair market value at the time of purchase, and (iv) proof of payment of fair market value to the seller. In order to satisfy the requirements of subsection (3)(c) of this rule, the person requesting release of a vehicle as a perfected security interest holder must provide documentation satisfactory to the judicial officer including, without limitation, (i) an executed retail installment contract, as that term is defined in ORS 83.010(8), or an executed security agreement, as that term is defined in ORS 79.0102(uuu); (ii) a copy of the certificate of title with the retail installment contract holder or secured party listed thereon as the lienholder; and (iii) proof that the retail installment contract holder or secured party gave consideration in exchange for their security interest. In the event the transfer is between family members, spouses, cohabitants, business associates or others who, in the opinion of the judicial officer, share an interest in avoiding the towing and impoundment of the vehicle or payment of the underlying financial obligations, there shall be a rebuttable presumption that the transfer is not a bona fide purchase for value, or a bona fide security interest, which may only be overcome by clear and convincing evidence. Nothing in this subsection or in subsection (3)(c) of this rule should be construed to limit or otherwise address any financial obligations owed to third parties arising from the towing and impoundment of the vehicle or the rights of the bona fide purchaser against the seller or others. Any order releasing a vehicle to a secured party under this section shall provide that the secured party is prohibited from releasing the vehicle to the registered owner unless the registered owner demonstrates that the payment required by section 3(b) of this rule has been made, or upon further order of a judicial officer.
- (e) The party requesting release of a vehicle through an in-person hearing with a judicial officer must provide the following:
- (i) a valid driver's license (with intact driving privileges);
 - (ii) current automobile liability insurance in the driver's name or in the name of the vehicle's registered owner;
 - (iii) current vehicle registration or DMV temporary trip travel permit;
 - (iv) if the person seeking release is other than the registered owner, a notarized authorization from the registered owner authorizing release to

that person or another identified individual. If the authorization is to another individual, that person must provide their valid driver's license (with intact driving privileges).

- (4) Limited Release for Personal Property. In lieu of or preliminary to release of the vehicle under section (3) of this rule, a judicial officer may order release of personal property contained in the vehicle on such terms and under such conditions as the judicial officer may impose.