

COMMITTEE ON JUDICIARY  
Room 14, State Capitol  
Salem, Oregon

O R E G O N   V E H I C L E   C O D E

PART IV. MISCELLANEOUS PROVISIONS

ARTICLE 16. MISCELLANEOUS SECTIONS

FINAL DRAFT

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Section 170. (Attending court and prosecuting offenses.) ORS

8.660 is amended to read:

8.660. The district attorney shall attend the terms of all courts having jurisdiction of public offenses within his county, and, except as provided for traffic infractions under section 152 of this 1975 Act, conduct, on behalf of the state, all prosecutions for such offenses therein.

COMMENTARY

See Commentary under s 171.

Section 171 . (Necessity for employment of attorney; effect of employment. ORS 9.320 is amended to read:

9.320. Any action, suit, or proceeding may be prosecuted or defended by a party in person, or by attorney, except that the state or a corporation appears by attorney in all cases, unless otherwise specifically provided by law. Where a party appears by attorney, the written proceedings must be in the name of the attorney, who is the sole representative of his client as between him and the adverse party, except as provided in ORS 9.310.

COMMENTARY TO SS 170 AND 171

Under Article 14, the district attorney will not appear in traffic infraction cases unless the defendant's attorney appears. Appropriate conforming amendments are made in ORS 8.660 and 9.320 to avoid possible conflicts.

Section ~~172~~. (Application to traffic, boating, littering, hunting and fishing violations.) ORS 133.080 is amended to read:

133.080. Except for Class A traffic infractions as provided by subsection (9) of ORS 484.150, nothing in ORS 133.045 to 133.080, 133.110 and 156.050 applies to violations of law enforceable under ORS 484.010 to 484.320, to violations enforceable under ORS 488.210 to 488.300, to violations enforceable under ORS 496.905 to 496.950 or to violations enforceable under ORS 133.100 and subsection (5) of ORS 164.775.

COMMENTARY

The statute is amended to make it consistent with the proposed changes in ORS 484.150 regarding citations for Class A traffic infractions.

Section 173. ("Offense" described.) ORS 161.505 is amended to read:

161.505. An offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime or a violation or a traffic infraction.

COMMENTARY

The statute is amended to conform with the new provisions relating to a traffic infraction.

SPECIAL NOTE: The vehicle code revision bill to be submitted to the 1975 Legislature will contain additional housekeeping amendments to many other affected ORS sections to make them compatible with the proposed new provisions. In the interest of printing economy those subordinate amendments and related changes in existing law are not printed in this draft and report.

Section 174. (Captions and headings.) The part, article and section headings or captions used in this Act are used only for convenience in locating or explaining provisions of this Act and are not intended to be part of the statutory law of the State of Oregon.

Section 175. (Repealed sections.) ORS 482.620, 482.650, 483.032, 483.036, 483.041, 483.042, 483.043, 483.044, 483.046, 483.048, 483.049, 483.102, 483.104, 483.108, 483.112, 483.114, 483.116, 483.118, 483.120, 483.122, 483.126, 483.128, 483.130, 483.132, 483.134, 483.136, 483.138, 483.140, 483.202, 483.204, 483.206, 483.208, 483.210, 483.212, 483.214, 483.216, 483.218, 483.220, 483.222, 483.224, 483.228, 483.230, 483.236, 483.302, 483.303, 483.304, 483.305, 483.306, 483.308, 483.310, 483.312, 483.314, 483.316, 483.318, 483.330, 483.332, 483.336, 483.338, 483.343, 483.345, 483.347, 483.350, 483.362, 483.364, 483.366, 483.443, 483.538, 483.614, 483.642, 483.830, 483.840, 483.845, 483.850, 483.855, 483.860, <sup>483.992, 483.993, 483.999</sup> 483.990, 483.991 and 485.020 are repealed.

Section 176. (Effective date.) This Act takes effect on  
July 1, 1976.

COMMENTARY

The Committee suggests the above effective date for the revised vehicle code. Experience of recent sessions of the Legislature would indicate a delay of approximately one year between sine die adjournment and the effective date of the Act. This should allow a reasonable period of time for ~~the~~ courts, prosecutors and law enforcement agencies to become familiar with the many changes in the law. Even more important, perhaps, it would give the Motor Vehicles Division adequate time in which to inform Oregon motorists of the new provisions, to print and distribute new driving manuals and to make the many other changes in its records and procedures necessary to implement the Code.