

1 **VIOLATIONS BUREAU**

2 IN THE MUNICIPAL COURT FOR THE CITY OF ASHLAND

3 COUNTY OF JACKSON, STATE OF OREGON

4
5 In the Matter of: Establishing of a) **Violations Bureau Order**
6 Traffic Court Violations Bureau) (ORS 153.800)
7 Pursuant to ORS 153.800.) April 01, 2021

8 The Court having determined that the efficient disposition of its responsibilities and the
9 convenience of citizens charged with violations so requires,

10
11 **IT IS HEREBY ORDERED AS FOLLOWS:**

12 **I.**

13 **Violations Bureau Established**

14 The Court hereby establishes a Traffic Court Violations Bureau (“Bureau”) subject to the
15 control and supervision of this Court, which shall operate as provided in this order and ORS
16 153.800.

17 **II.**

18 **Designation of Bureau Clerks**

19 The Ashland Municipal Court Lead Clerk is hereby designated as the Violations Clerk. The
20 Violations Clerk may designate one or more members of the court staff as Deputy Clerks for
21 the Bureau. As used herein, the term “Clerk” means the Violations Clerk and Deputy Violations
22 Clerks of the Violations Bureau.

1 **III.**

2 **Authority of Clerks**

3 A Clerk may accept written appearances; requests or waivers of trial; pleas of no contest;
4 payments of fines, bails, and assessments for all violations that are subject to the authority of the
5 Clerk. These enumerated powers are not the exclusive powers of a Clerk; a Clerk has all powers
6 necessary or convenient to conduct the business of the Violation Bureau consistent with the
7 terms and purpose of this order.

8 **IV.**

9 **Subject Matter Jurisdiction of the Bureau**

10 Subject to the terms provided herein, a Clerk may exercise authority over any violation,
11 including the following which may be referred to the Judge at the Clerk's discretion:

- 12 1. all citations issued to persons under 18 years of age, except skate board helmet offense;
- 13 2. a minor in possession of alcohol or marijuana;
- 14 3. the sale of tobacco to minor;
- 15 4. marijuana use in public;
- 16 5. a misdemeanor treated as a violation;
- 17 6. an Ashland Municipal Code violation in which a reduction is requested;
- 18 7. a violation which occurred in the Enhanced Law Enforcement Area (ELEA);
- 19 8. when the Clerk has a significant doubt regarding;
 - 20 a. the accuracy or sufficiency of a violation citation;
 - 21 b. the validity of a defendant's driver's license, proof of insurance or other relevant
 - 22 documentation; or
 - 23 c. the application of the provisions of this order to a particular situation.
- 24 9. when the Clerk determines there is a previous conviction for operating a motor vehicle
- 25 while using mobile electronic device resulting in a higher penalty (ORS 811.507).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

V.

Personal Jurisdiction of the Bureau

All persons alleged to have committed a violation within the jurisdiction of the Bureau may appear before the Bureau, regardless of the number of previous offenses the person may have committed.

VI.

Payment of Fines and Fees

All amounts of penalties paid to the Violations Bureau shall be accounted for and receipted by the Clerk in the same manner as other payments on money judgments received by the court. A defendant charged with any offense in the Ashland Municipal Court Violations Bureau may pay a fine or fee by cash, check, money order, MasterCard or Visa. Payments may be made in person, over the telephone, over the Internet, or by mail; except payment over the internet may not be made on cases in suspension, collection or those enrolled in the traffic school program. In a particular instance, the Clerk may refuse to accept one or more form or manner of payment if, in the Clerk's exercise of sound judgment, there is good cause to do so.

VII.

Bureau Procedures; Basic Options

A defendant who appears in person for arraignment on a violation that is subject to the authority of a Violations Clerk shall have the following three options regarding how to proceed on the violation. The Clerk shall inform the defendant of these options.

1. **Plead Not Guilty and Request a Hearing.** The defendant shall sign the appropriate forms documenting the plea of not guilty and the request for a trial. The form shall require the defendant to provide a current address and phone number. If a defendant requesting a trial does not sign the paperwork or does not provide a reliable way to contact them, no trial

1 will be set. The Clerk shall send a trial date notice to the defendant by mail (or email or
2 facsimile upon written request) if the defendant is not present;

3 **2. Plead No Contest and Pay a Fine.** The Clerk shall (1) view the defendant's driving
4 record and determine the number of moving violations the defendant has been convicted of
5 within the two years before the date of the alleged offense and (2) inquire whether the
6 defendant has participated in a traffic program within the past two years before the date of
7 the alleged offense, in order to determine if the defendant is eligible for the Court's Seat
8 Belt, Bicycle, Traffic School or DWS Programs (see X, XI, XII, XIII herein) and offer the
9 defendant the appropriate Program option. If defendant is not eligible for the Court's Traffic
10 School Program, the defendant shall pay the presumptive fine amount. If the defendant
11 consents to the violation being processed by the Violations Bureau, the Clerk shall accept the
12 defendant's plea of no contest, enter the conviction and impose the presumptive fine. The
13 Clerk shall then accept payment in full of the fine or have the defendant enter into an
14 installment agreement;

15 **3. See the Judge in Open Court.** The defendant shall be directed to the courtroom to
16 wait for the case to be called. The matter will then be handled by the Judge.
17 If a defendant seeks to plead no contest to a violation, but does not consent to the
18 authority or determination of the Violations Clerk, the defendant shall only have the options
19 of pleading not guilty or seeing the Judge. The Clerk shall inform the defendant of these two
20 options. The matter shall proceed pursuant to the defendant's choice.

21 If a defendant does not choose how to proceed on a violation under a Clerk's authority, the
22 Clerk shall direct the defendant to the courtroom to wait for the Judge to call the case.
23
24
25

1 **VIII.**

2 **Receipt of Presumptive Fine Amount; No Offered Mitigation**

3 Upon receipt of the fine amount set on the citation with no accompanying plea or with a plea
4 of no contest without any accompanying explanation of circumstances, the Clerk shall enter a
5 conviction on defendant's DMV record.

6 **IX.**

7 **Receipt of Presumptive Fine; Offered Mitigation**

8 Upon receipt of the presumptive fine amount set on the citation with an enclosed letter of
9 explanation from the defendant, the Clerk shall forward the letter of explanation to the Judge for
10 consideration. A letter of explanation may be sent to the court and/or Clerk by regular mail,
11 e-mail or facsimile.

12 **X.**

13 **Seat Belt Program**

14
15 Upon a citation for failure or improper use of a safety belt that (1) does not involve an
16 accident, (2) the defendant has no prior conviction for violation of ORS Section 811.210 within the
17 last two years, or (3) has not participated in a program for a safety belt offense within the last two
18 years, and (4) the defendant holds a valid non-commercial driver's license, the Clerk may offer the
19 Safety Belt Program on the violation. The program shall be in lieu of further prosecution on the
20 safety belt violation. If the defendant pays the program fee, watches the court seatbelt video, and
21 receives no further seatbelt convictions within 120 days from the date of arraignment, the Clerk shall
22 dismiss the violation. If the defendant does not successfully complete the program, a conviction will
23 be placed on the defendant's DMV record and the presumptive fine amount must be paid within 30
24 days. Additional fees and charges up to \$250.00 can be imposed and the balance will be turned over
25 to a collection agency.

1 **XI.**

2 **Bicycle Program**

3 Upon a citation for a Class B, C or D bicycle related moving traffic violation, if the
4 defendant within the last two years (1) has had no prior bicycle related violation convictions, or
5 (2) has not participated in a program for a bicycle related offense, the Clerk may offer the Bicycle
6 Program on the pending bicycle traffic violation. The program shall be in lieu of further prosecution
7 on the bicycle violation . To participate, the defendant must enter a plea of no contest to the offense.
8 Within 120 days of the entry of plea and at his or her own expense, the defendant must 1) attend a
9 traffic school course or school designated by the court and 2) pay a non-refundable court fee of
10 \$25.00. No extensions are allowed. If the defendant does not successfully complete the above
11 described program, the presumptive fine will be imposed and must be paid within 30 days.
12 Additional fees and charges of up to \$250.00 can be imposed and the balance will be turned over to a
13 collection agency. If the defendant successfully completes the requirements of the traffic school
14 agreement, the Clerk shall dismiss the diverted offense.

15
16 **XII.**

17 **Traffic School Program**

18 Upon a citation for a Class B, C or D moving traffic violation that (1) does not involve an
19 accident, and (2) if for the two years prior to date of issuance of the citation the defendant has had
20 no vehicle-related diversion (seatbelt convictions excluded), and (3) has had no conviction for a
21 traffic crime or a moving traffic violation, and (4) the defendant holds a valid non-commercial
22 driver's license, the Clerk may offer traffic school on one pending moving traffic violation.
23 Provided, however, that the Clerk may not offer any defendant traffic school on the following
24 offenses:
25

- 1 • Class A Violations, except defendants charged with DWS (ORS 811.175) for the first time
- 2 (see XIII herein);
- 3 • Open Container of Alcohol (ORS 811.170);
- 4 • Driving Uninsured (ORS 806.010);
- 5 • Failure to Obey Police Officer (ORS 811.535);
- 6 • Failure to perform duties of a witness to an accident (ORS 811.715);
- 7 • Failure to yield to emergency vehicle (ORS 811.145).
- 8 • Operating Motor Vehicle while Using Mobile Electronic Device (ORS 811.507)

9 If the defendant chooses to participate in the Traffic School Program, the defendant must
 10 enter a plea of no contest to the offense. Within 120 days of the date of entry of plea, and at his or
 11 her own expense, the defendant must (1) attend a traffic safety course or school as designated by the
 12 court, and (2) pay the appropriate non-refundable traffic school agreement fee. No extensions are
 13 allowed.

14 The Traffic School Program Fee is the same as listed below except for first time DWS
 15 citations (see XIII herein).

Presumptive Fine	Traffic School Program Fee
\$115.00	\$115.00
\$165.00	\$120.00
*\$225.00	\$180.00
\$265.00	\$220.00
*\$325.00	\$280.00
*\$525.00	\$480.00
*indicates special traffic zone	

24 There is no traffic school required for Seat Belt or DWS citations.

1 If the defendant successfully completes the requirements of the Traffic School agreement, the
2 Clerk shall dismiss the offense. If the defendant does not successfully complete the agreement, a
3 conviction will be placed on the defendant's DMV record.

4 The full presumptive fine will be imposed and must be paid within 30 days. Any fees paid
5 toward the Traffic School Program Fee will be forfeited. Additional fees and charges up to \$250.00
6 can be imposed and the balance will be turned over to a collection agency.

7 **XIII.**

8 **Driving While Suspended- Violation Program**

9 If after reviewing a defendant's driving record and questioning the defendant, the Clerk
10 determines that the DWS citation is the defendant's first such citation, the Clerk may offer the
11 Driving While Suspended Program on the violation. The program will be in lieu of further
12 prosecution on the DWS violation, provided the defendant pays the program fee of \$300.00, obtains
13 a valid license and shows proof thereof with 120 days of the date of arraignment. If the defendant
14 successfully completes the requirements of the DWS agreement, the Clerk shall dismiss the offense.
15 If the defendant does not successfully complete the agreement, a conviction will be placed on the
16 defendant's DMV record and the presumptive fine amount of \$440.00 must be paid within 30 days.
17 Additional fees and charges up to \$250.00 can be imposed and the balance will be turned over to a
18 collection agency.

19 **XIV.**

20 **All other Class A Traffic Violations.**

21 Upon citation of any Class A violations (Except first violation for DWS), if the defendant
22 pleads no contest, the conviction shall be placed on the defendant's DMV record. The presumptive
23 fine will be imposed (see XVIII (1) herein) .

24 **XV.**

25 **Authority to Dismiss Certain Citations**

1 A Clerk shall dismiss the following citations under the following circumstances:

2 **1. No liability insurance.** Upon citation for no liability insurance (ORS 806.010), the
3 Clerk shall dismiss the citation if the defendant provides the Clerk via paper, email or fax, a
4 valid insurance card indicating insurance coverage for the date of the citation.

5 If the Clerk is not satisfied with the proof offered, the Clerk may require the
6 defendant to provide a letter signed by an authorized insurance producer or insurance
7 company official, on insurance producer or insurance company letterhead that verifies the
8 defendant actually had valid insurance coverage at the date and time of the alleged violation.

9 **2. Failure to carry proof of liability insurance.** Upon citation for failure to carry
10 proof of liability insurance (ORS 806.012), the Clerk shall dismiss the citation if the
11 defendant shows the Clerk a valid insurance card indicating insurance coverage for the date
12 of the citation. If the Clerk is not satisfied with the proof offered, the Clerk may require the
13 defendant to provide a letter signed by an authorized insurance producer or insurance
14 company official, on insurance producer or insurance company letterhead, that verifies the
15 defendant actually had valid insurance coverage at the date and time of the alleged violation
16 and upon payment of a \$25.00 compliance fee.

17 **3. Operation of a vehicle without proper fenders or mudguards.** Upon citation for
18 operation of a vehicle without proper fenders or mudguards (ORS 815.185), the Clerk shall
19 dismiss the citation if the defendant shows proof in the form of a police officer's written
20 verification that the offending fenders or mudguards have been installed, repaired or replaced
21 and now comply with applicable law and upon payment of a \$25.00 compliance fee.

22 **4. Failure to carry registration card.** Upon citation for failure to carry registration card
23 (ORS 803.505), the Clerk shall dismiss the citation if the defendant shows the Clerk a valid
24 registration card or a valid trip permit issued by Oregon DMV and upon payment of a \$25.00
25 compliance fee.

1 A defendant may write a letter to the Judge of this court or appear before the Judge to request
2 relief from the provisions of this paragraph.

3 **XVIII.**

4 **Fine Schedule**

5 The fine amount for a violation cited into this court shall be the presumptive fine amount. As
6 of the date of this order, the presumptive fine amount for a violation cited into this court and under
7 the jurisdiction of the Violation Bureau is as follows:

8 **1. For a Class A violation:**

- 9 a. \$440.00 unless the violation occurred in a highway work zone, a school zone, or a
10 safety corridor;
11 b. \$875.00 if in a highway work zone, a school zone, or a safety corridor.

12 **2. For a Class B violation:**

- 13 a. \$265.00 unless the violation occurred in a highway work zone, a school zone, or a
14 safety corridor;
15 b. \$525.00 if in a highway work zone, a school zone, or a safety corridor.

16 **3. For a Class C violation:**

- 17 a. \$165.00 unless the violation occurred in a highway work zone, a school zone, or a
18 safety corridor;
19 b. \$325.00 if in a highway work zone, a school zone, or a safety corridor.

20 **4. For a Class D violation:**

- 21 a. \$115.00 unless the violation occurred in a highway work zone, a school zone, or a
22 safety corridor;
23 b. \$225.00 if in a highway work zone, a school zone, or a safety corridor.

24 **5. For a Class E violation:**

- 25 a. \$100.00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

XIX.

Failure to Appear; Entry of Judgment

On all violation matters, upon the failure of a defendant to make a first appearance within seven days of the appearance date on the violation citation, the Clerk shall, unless otherwise required by law, enter a default judgment against the defendant as provided by ORS 153.102(1).

On all violation matters, upon the failure of a defendant to appear at the date, time and place set for any trial or other appearance on a violation citation after a first appearance, the Clerk shall, unless otherwise required by law, enter a judgment against the defendant as provided by ORS 153.102(2).

Any judgment or default judgment entered pursuant to this section shall impose a sentence to pay a fine as follows:

1. For citations issued to an individual, trust or business other than a corporation for a Violation, the amount of the fine shall be:
 - \$440.00 for Class A violation;
 - \$265.00 for Class B violation;
 - \$165.00 for Class C violation;
 - \$115.00 for Class D violation; and
 - \$100.00 for Class E violation.
2. For citations issued to a Corporation for a violation, including parking violations that are defined and made punishable under Oregon law as set out at ORS 811.550 – 811.637, the amount of the fine shall be:
 - \$4,000.00 for class A violation;
 - \$2,000.00 for class B violation;
 - \$1,000.00 for class C violation; and

1 \$500.00 for class D violation.

2 For purposes of this section, the Clerk shall determine whether a defendant is a corporation
3 based on the name of the defendant as alleged in the charging citation or complaint.

4 Reference to "Corporation," "Corp.," "Incorporated," or "Inc." is sufficient evidence for the
5 Clerk to conclude that the defendant is a corporation. A reference to "Company," "Co.,"
6 "Limited Liability Company," or "LLC" is insufficient evidence for the Clerk to conclude a
7 defendant is a corporation.

8 **XX.**

9 **Effective Date of Order; Affect on Prior Orders**

10 This order shall take effect; shall supersede all prior Violation Bureau Orders of this court
11 where applicable; and shall remain in effect indefinitely until amended, superseded or vacated by
12 this court.

13
14 Dated this 1st day of April 2021.

15 Pamela B Turner
16 Pamela Burkholder Turner, Presiding Judge
17 Ashland Municipal Court
18
19
20
21
22
23
24
25