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IV.

Subject Matter Jurisdiction of the Bureau

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

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

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.

1 **VI.**

2 **Payment of Fines and Fees**

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

11 **VII.**

12 **Bureau Procedures; Basic Options**

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

16 **1. Plead Not Guilty and Request a Hearing.** The defendant shall sign the appropriate
17 forms documenting the plea of not guilty and the request for a trial. The form shall require
18 the defendant to provide a current address and phone number. If a defendant requesting a
19 trial does not sign the paperwork or does not provide a reliable way to contact them, no trial
20 will be set. The Clerk shall send a trial date notice to the defendant by mail (or email or
21 facsimile upon written request) if the defendant is not present;

22 **2. Plead No Contest and Pay a Fine.** The Clerk shall (1) view the defendant's driving
23 record and determine the number of moving violations the defendant has been convicted of
24 within the two years before the date of the alleged offense and (2) inquire whether the
25 defendant has participated in a traffic program within the past two years before the date of

1 the alleged offense, in order to determine if the defendant is eligible for the Court's Seat
2 Belt, Bicycle, Traffic School or DWS Programs (see X, XI, XII, XIII herein) and offer the
3 defendant the appropriate Program option. If defendant is not eligible for the Court's Traffic
4 School Program, the defendant shall pay the presumptive fine amount. If the defendant
5 consents to the violation being processed by the Violations Bureau, the Clerk shall accept the
6 defendant's plea of no contest, enter the conviction and impose the presumptive fine. The
7 Clerk shall then accept payment in full of the fine or have the defendant enter into an
8 installment agreement;

9 **3. See the Judge in Open Court.** The defendant shall be directed to the courtroom to
10 wait for the case to be called. The matter will then be handled by the Judge.

11 If a defendant seeks to plead no contest to a violation but does not consent to the
12 authority or determination of the Violations Clerk, the defendant shall only have the options
13 of pleading-not guilty or seeing the Judge. The Clerk shall inform the defendant of these two
14 options. The matter shall proceed pursuant to the defendant's choice.

15 If a defendant does not choose how to proceed on a violation under a Clerk's authority, the
16 Clerk shall direct the defendant to the courtroom to wait for the Judge to call the case.

17 18 **VIII.**

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

20 Upon receipt of the fine amount set on the citation with no accompanying plea or with a plea
21 of no contest without any accompanying explanation of circumstances, the Clerk shall enter a
22 conviction on defendant's DMV record.
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1 **IX.**

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

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

7 **X.**

8 **Seat Belt Program**

9 Upon a citation for failure or improper use of a safety belt that (1) does not involve an
10 accident, (2) the defendant has no prior conviction for violation of ORS Section 811.210 within the
11 last two years, or (3) has not participated in a program for a safety belt offense within the last two
12 years, and (4) the defendant holds a valid non-commercial driver's license, the Clerk may offer the
13 Safety Belt Program on the violation. To participate, the defendant must enter a plea of no contest to
14 the offense. Within 120 days of the entry of plea and at his or her own expense, the defendant must
15 1) attend a seatbelt safety course or school designated by the court and 2) pay a non-refundable court
16 fee of \$115.00. If the defendant successfully completes the requirements of the Seat Belt program,
17 the Clerk shall dismiss the offense. If the defendant does not successfully complete the program, a
18 conviction will be placed on the defendant's DMV record, and the presumptive fine amount must be
19 paid within 30 days. Additional fees and charges up to \$250.00 can be imposed and the balance will
20 be turned over to a collection agency.

21 **XI.**

22 **Bicycle Program**

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

11 XII.

12 Traffic School Program

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

- 20 • Class A Violations, except defendants charged with DWS (ORS 811.175) for the first time
21 (see XIII herein);
- 22 • Open Container of Alcohol (ORS 811.170);
- 23 • Driving Uninsured (ORS 806.010);
- 24 • Failure to Obey Police Officer (ORS 811.535);
- 25 • Failure to perform duties of a witness to an accident (ORS 811.715);

- Failure to yield to emergency vehicle (ORS 811.145).
- Operating Motor Vehicle while Using Mobile Electronic Device (ORS 811.507)

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

The Traffic School Program Fee is the same as listed below except for first time DWS 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	

There is no traffic school required for DWS violations.

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

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

1 **XIII.**

2 **Driving While Suspended- Violation Program**

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

13 **XIV.**

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

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

18 **XV.**

19 **Authority to Dismiss Certain Citations**

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

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

24 If the Clerk is not satisfied with the proof offered, the Clerk may require the
25 defendant to provide a letter signed by an authorized insurance producer or insurance

1 company official, on insurance producer or insurance company letterhead that verifies the
2 defendant had valid insurance coverage at the date and time of the alleged violation.

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

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

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

20 **5. Skateboard Helmet.** If after receiving a citation for no skateboard helmet (AMC
21 11.04.030) the Clerk determines that the skateboard helmet citation is the defendant's first
22 such citation, the clerk shall dismiss the citation upon proof of ownership of a helmet and
23 payment of \$25.00 fee.

1 **XVI.**

2 **Failure to Appear; Suspension of Driver's License**

3 On traffic violation matters, if a defendant fails to appear within seven days of the appearance
4 date on the citation, or thereafter fails to appear at any scheduled court proceeding on the citation,
5 the Clerk shall take the appropriate steps to cause the Department of Motor Vehicles to suspend the
6 defendant's driving privileges for failure to appear.

7 The Clerk may lift any license suspension imposed because of a failure to appear on a
8 citation and proceed as previously set forth herein. Once a violations bureau Clerk has suspended a
9 defendant's license for FTA, the defendant is no longer eligible for the Court's Seatbelt, DWS, or
10 Traffic School programs.

11 If a defendant has three or more outstanding traffic violations in suspension in this court, and
12 the defendant has failed to appear on a new traffic violation matter, the Clerk shall find the defendant
13 guilty by default and the conviction will be placed on the defendant's DMV record. The defendant
14 will be continued for 30 days to pay in full or set up payment arrangements with the court.

15 **XVII.**

16 **Failure to Comply**

17 On traffic violation matters, if a defendant either 1) fails to pay a fine or 2) fails to comply
18 with any condition upon which the payment of a fine is suspended, the Clerk shall assess additional
19 fees and charges up to \$250.00 and send the balance to a collection agency. The Clerk shall also
20 cancel the suspended portion of any fine related to the citation the defendant has failed to comply
21 with, thereby obligating defendant to pay the full fine amount.

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

1 **XVIII.**

2 **Fine Schedule**

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

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

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

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

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

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

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

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

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

1 **XIX.**

2 **Failure to Appear; Entry of Judgment**

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

6 On all violation matters, upon the failure of a defendant to appear at the date, time and place
7 set for any trial or other appearance on a violation citation after a first appearance, the Clerk shall,
8 unless otherwise required by law, enter a judgment against the defendant as provided by ORS
9 153.102(2).

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

- 12 1. For citations issued to an individual, trust or business other than a corporation for a
13 Violation, the amount of the fine shall be:
14 \$440.00 for Class A violation;
15 \$265.00 for Class B violation;
16 \$165.00 for Class C violation; and
17 \$115.00 for Class D violation.
- 18 2. For citations issued to a Corporation for a violation, including parking violations that are
19 defined and made punishable under Oregon law as set out at ORS 811.550 – 811.637, the
20 amount of the fine shall be:
21 \$4,000.00 for class A violation;
22 \$2,000.00 for class B violation;
23 \$1,000.00 for class C violation; and
24 \$500.00 for class D violation.

1 For purposes of this section, the Clerk shall determine whether a defendant is a corporation
2 based on the name of the defendant as alleged in the charging citation or complaint.
3 Reference to “Corporation,” “Corp.,” “Incorporated,” or “Inc.” is sufficient evidence for the
4 Clerk to conclude that the defendant is a corporation. A reference to “Company,” “Co.,”
5 “Limited Liability Company,” or “LLC” is insufficient evidence for the Clerk to conclude a
6 defendant is a corporation.

7 **XX.**

8 **Establishment of Fines**

9 The Judge, in imposing a fine upon a finding of guilt, shall have available all legal
10 authority instituted under Oregon Revised Statute Chapter 153.

11 **XXI.**

12 The Court may conduct violation trials by signed affidavit or declaration. The court will
13 admit as evidence in any trial in a violation proceeding the affidavit or declaration of a
14 witness in lieu of taking the testimony of the witness orally in court. This section is subject to
15 the following:

- 16 1. The Court shall allow testimony by affidavit or declaration under this section only upon
17 receiving a signed statement from the defendant waiving the right to have testimony presented
18 orally in court.
 - 19 2. Testimony by affidavit or declaration under this section is not subject to objection as
20 hearsay.
 - 21 3. If the defendant elects to have their trial conducted by affidavit or declaration, that does
22 not prohibit any other witness from appearing and providing testimony in person.
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1 **XXI.**

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

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

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8 Dated this 2nd day of September, 2025.

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12 Ryan Mulkins
13 Ashland Municipal Court Judge
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