

32 additional time to post the fine, the defendant must enter into a payment
33 agreement with the Court.

34 b. If the defendant has never failed to appear in any court in the past, the defendant
35 will not be required to post the presumptive fine pending trial on the matter.

36 2. Plea of No Contest: The defendant, upon signing a written waiver of trial and plea of No
37 Contest, or Presumptive Fine Forfeiture and consideration of the defendant's driving
38 record, shall pay the fine amount as set by the Presiding Judge of Salem Municipal
39 Court. Payment of the fine under this paragraph constitutes consent to forfeiture of the
40 presumptive fine amount and disposition of the offense by the clerk as provided by the
41 rules of the Court.

42 3. Appearance Before a Judge: The defendant may appear before a judge in order to have
43 a judge accept a plea and set the fine or penalty at a regularly scheduled violation
44 arraignment session.

45
46 If a defendant chooses to appear before a judge, the date of appearance shall be at a
47 regularly scheduled violation arraignment session on or before the appearance date as
48 set on the Uniform Traffic Citation.

49 Persons under eighteen years of age with violations must appear before a judge, with a parent
50 or legal guardian, on or before the appearance date as set on the Uniform Traffic Citation.

51 Persons under eighteen years of age who do not appear with a parent may be continued no
52 longer than 7 days to appear with a parent. If individuals under eighteen years of age do not
53 appear they will be found guilty by default and the full fine amount will be imposed.

54 Violation Clerks shall process compliance related charges as follows:

55 1. Operation without proper fenders or mudguards (ORS 815.185) – Shall be dismissed
56 upon satisfactory evidence of replacement, repair or addition, provided the driver has not
57 had a similar offense dismissed previously or a similar prior conviction. The Violations
58 Clerk may grant a continuance to the defendant to obtain evidence which is satisfactory
59 to the Court.

60 2. Operation of a vehicle without approved material in windows (ORS 815.210 and ORS
61 815.222) aka illegal tinting– Shall receive a sentence of discharge for a first offense
62 upon satisfactory evidence of removal of illegal tint.

63 3. Failure to display plates (ORS 803.540) - Shall receive a sentence of discharge for a first
64 offense upon satisfactory evidence of installation of legal plates.

65 4. Failure to register or renew registration (ORS 803.300, ORS 803.455 and ORS 803.505)
66 - Shall be dismissed for a first offense upon satisfactory evidence of a valid registration
67 **on** the date of the offense. Shall receive a sentence of discharge for a first offense upon
68 satisfactory evidence of a valid registration obtained **after** the date of the offense.

- 69 5. Expired tags (SRC 102.040 (k)) - Shall be dismissed for a first offense upon satisfactory
70 evidence of a valid registration and tags on the date of the offense. Shall receive a
71 sentence of discharge for a first offense upon satisfactory evidence of a valid registration
72 and tags obtained **after** the date of the offense.
- 73 6. Failure to notify DMV of Address/Name Change (ORS 803.220 and 807.560) – shall
74 receive a sentence of discharge if defendant shows the court a newly issued ODL or
75 former ODL with DMV updated sticker. In the case of a failure to notify DMV for a vehicle
76 registration, a newly issued vehicle registration certificate with name or address change
77 or LEDs-DMV registration printout shows name or address change. Provided the driver
78 has not had a similar offense dismissed previously or a similar prior conviction.
- 79 7. Operation without required lighting equipment (ORS 816) – This includes citations for
80 broken tail lights, license plate, headlight reflectors, and brake lights. Defendant shall
81 receive a sentence of discharge for a first offense upon satisfactory evidence of
82 correction.
- 83 8. Fail to maintain safety belts (ORS 811.225) – shall receive a sentence of discharge upon
84 satisfactory evidence of replacement, repair or addition, provided the driver has not had
85 a similar offense dismissed previously or a similar prior conviction.
- 86 9. Violation of visible emission limits (ORS 815.200) – shall receive a sentence of
87 discharge upon satisfactory evidence of replacement, repair or addition, provided the
88 driver has not had a similar offense dismissed previously or a similar prior conviction.
- 89 10. Improper display or expired validating stickers and failure to display registration plate–
90 (ORS 803.560(1)(a)(b)) – shall receive a sentence of discharge upon satisfactory
91 evidence of replacement, repair or addition, provided the driver has not had a similar
92 offense dismissed previously or a similar prior conviction.
- 93 11. Bicycle Equipment Violation (ORS 815.280) – shall receive a sentence of discharge
94 upon satisfactory evidence of replacement, repair or addition, provided the driver has not
95 had a similar offense dismissed previously or a similar prior conviction.
- 96 12. Operation without rearview mirror (ORS 815.235) – shall receive a sentence of
97 discharge upon satisfactory evidence of replacement, repair or addition, provided the
98 driver has not had a similar offense dismissed previously or a similar prior conviction.

99 The Violation Clerk may continue a defendant's appearance for up to two weeks in order to
100 allow the defendant time to show compliance with the charges listed in the section above.

101 Violations Clerks shall process charges of Driving Uninsured (ORS 806.010), and Failure to
102 Carry Proof of Compliance with Financial Responsibility (ORS 806.012) as follows:

- 103 1. If a defendant charged with Driving Uninsured or Failure to Carry Proof of Compliance
104 with Financial Responsibility presents documents from an insurance company or agent
105 of an insurance company clearly showing that the person was insured at the time the

- 106 Uniform Traffic Citation and Complaint was issued, the Violations Clerk may dismiss the
107 charge upon verification.
- 108 2. When a defendant has appeared as ordered on their summons a Violations Clerk may
109 continue a defendant's appearance for up to two weeks in order to allow the defendant
110 to obtain documentation from an insurance company or agent of an insurance company
111 that shows the defendant was insured at the time the complaint was issued.
 - 112 3. If documentation presented by a defendant does not clearly show that the individual was
113 insured on the date the complaint was issued, the clerk shall instruct the defendant to
114 appear in court within two weeks of the original appearance date or offer the defendant
115 the option to plead guilty or no contest.
 - 116 4. If, for any reason, the Violations Clerk is unsure whether the defendant was insured on
117 the date the complaint was issued or unsure whether the complaint should be dismissed,
118 the Violations Clerk shall instruct the defendant to appear in court.
 - 119 5. If a defendant cannot present evidence that he or she had insurance on the date the
120 complaint was issued, but shows that he or she obtained insurance after the complaint
121 was issued and after the date originally scheduled for the first court appearance, the
122 Violations Clerk shall instruct the defendant to appear in court or offer the defendant the
123 option to plead guilty or no contest.

124 With respect to complaints filed for Operating Vehicle Without Driving Privileges (ORS
125 807.010(1)), if the defendant produces an Oregon driver license that was valid on the date of
126 the alleged offense, the citation shall be dismissed. If the defendant obtained a valid Oregon
127 driver license after the date of offense the Violations Clerk may reduce the citation according to
128 the Violations Bureau Schedule. If no valid Oregon driver license is obtained offense must
129 appear in court for adjudication.

130 Driving while suspended violations may be reduced at the Violations Bureau on the first offense.
131 Subsequent offenses must appear in court for adjudication.

132 Mail received from cited defendants that is incomplete is to be processed as follows:

- 133 1. If the defendant marks Option 2 on the back of the citation ("Enter a Plea No Contest by
134 Written Appearance") and designates a "no contest" plea but does not include a written
135 statement, explanation, or circumstances in mitigation of the violation charged,
136 Violations Clerks shall forfeit the bail in the same amount as would be the case had the
137 defendant pled no contest under Option 1.
- 138 2. If a defendant's letter provides a written statement, explanation, or circumstances in
139 mitigation of the violation for the violation that states or implies guilt and the defendant
140 sends in the bail amount, but nothing is marked on the back of the defendant's copy of
141 the Uniform Citation, the Violations Clerk shall assume the defendant intended to plead

142 no contest and shall forfeit bail as if the defendant had marked Option 2 ("Enter a Plea of
143 No Contest by Written Appearance"). Bail amounts will be set in accordance with the
144 same schedule used at the Violations Bureau window.

- 145 3. If the defendant sends in the bail amount but fails to check a box on the back of the
146 Uniform Citation indicating a plea and includes no explanation, the Violations Clerk shall
147 indicate a plea of "no contest" (Option 2) on the abstract and then legibly initial the
148 citation on the line provided. The Violations Bureau clerk shall forfeit the bail in the
149 same amount as would be the case had the defendant pled no contest.
- 150 4. If the defendant writes in the letter that he/she is "not guilty" and includes the bail, but
151 does not check Option 3 on the citation ("Enter a Plea of Not Guilty"), the Violations
152 Clerk shall treat the written statement as an entry of a "not guilty" plea, shall post the bail
153 as a bond and set the case for trial.
- 154 5. If the defendant sends in a plea of no contest or makes statements that implies guilt,
155 with no bail amount the Violation Clerks will handle in accordance with court policy and
156 the Judicial Order related to collection of court imposed monetary obligations.

157
158 Violation Clerks shall process a motion to amend a traffic citation submitted by an officer in the
159 following manner:

- 160 1. If defendant appears at the Violations Bureau and other wise qualifies for reduction, the
161 clerk shall provide a copy of the motion to amend to the defendant. If the defendant
162 does not object to the amendment, the clerk may grant the motion to amend by
163 electronic signature of the judge, with the processing clerk's initials below the electronic
164 signature. If the defendant objects to the motion, appearance before a judge is required.
- 165 2. If the defendant fails to appear, the Violations Clerk may grant and amend if the
166 corrections are not material. Material amendments as defined in ORS 153.048 will be
167 forwarded to a judge to set aside the citation.
- 168 3. If the defendant appears before a judge, the judge will serve the defendant with a copy
169 of the motion to amend and rule accordingly.

170 With respect to complaints filed for Unlawful parking in space reserved for persons with
171 disabilities (ORS 811.615), if the defendant who was driving or riding in the vehicle cited for a
172 disabled parking offense lawfully held, but failed to properly display, a valid permit at the time of
173 issuance of the citation, and shows proof of such, the court will dismiss the citation on the first
174 offense. Subsequent offenses must appear in court for adjudication.

175 Violation Clerks shall send the file to the judge if the clerk is uncertain how to proceed.

176 The Violations Bureau will use fines in the most current Presumptive Fine Schedule and as
177 provided by ORS.

178 The Violations Bureau may accept the Certificate of Non-Liability from a business or corporation
179 after the initial appearance date. They may vacate the guilty by default judgment, enter a
180 judgment of dismissal and forward the named driver information to the Salem Police
181 Department.

182 If the corporation sends as bail the presumptive fine amount, the Violations Clerk shall hold the
183 amount as bail and send a letter to appear for a hearing regarding identification of the driver.

184 The Violations Clerks shall impose the maximum corporate fine amount on citations for failure to
185 obey a traffic control device, when the cited company fails to respond as per the summons.

186 The Violations Bureau may not accept Certificate of Innocence on a reissued or previously
187 issued citation. These offenses must appear in court for adjudication.

188 The Violations Bureau may accept the Certificate of Innocence from an individual on an original
189 citation, up to two weeks after the initial appearance date. They may vacate the guilty by default
190 judgment, enter a judgment of dismissal and forward the Certificate of Innocence information to
191 the Salem Police Department.

192 Pursuant to ORS 153.093, Violations Clerks are authorized to assess a reduced fine amount
193 against defendants who have not been convicted of a violation within the previous twenty-four
194 (24) month period. Presumptive fine amounts shall be imposed according to the defendants
195 driving record and the attached schedule. The twenty-four (24) month period shall be calculated
196 from the date of the current offense back to the prior conviction date.

197 Persons who otherwise qualify for disposition through the Violations Bureau, and who report in
198 person, must appear before the judge if the citation is for the following offenses: ORS 811.109
199 (5) Speeding 100 mph or greater; ORS 813.095 Refusal to Take Breath Test; ORS 471.430
200 Minor in Possession; ORS 811.125 Speed racing, ORS 471.410 offenses involving alcohol, and
201 any offense involving an accident.

202 All dispositions of violation citations under the jurisdiction of the Violations Bureau shall be
203 recorded on the Uniform Citation by the Violations Clerk. The disposition shall bear the
204 signature of the Municipal Court Judge, a Pro Tem Municipal Court Judge, the Violations Clerk,
205 or the Deputy Violations Clerk who adjudicated the citation.

206 Parking violations: Persons who qualify for disposition through the Violations Bureau, and who
207 report in person are given options by the Violations Bureau Clerk as follows:

208 1. Plea of Not Guilty: The defendant may be required to post the fine amount as set by the
209 Presiding Municipal Judge, if the defendant has unpaid parking citations from previous
210 offenses.

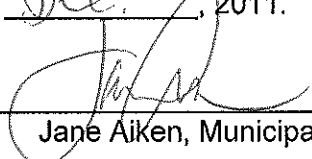
- 211 2. Plea of Guilty or No Contest: The defendant, upon signing a written waiver of trial and
212 plea of Guilty or No Contest, or Fine Forfeiture and consideration of the defendant's
213 previous parking citation history, shall pay the fine amount as set by the Presiding Judge
214 of Salem Municipal Court. Payment of the fine under this paragraph constitutes consent
215 to forfeiture of the fine amount and disposition of the offense by the clerk as provided by
216 the rules of the Court.
- 217 3. Appearance Before a Judge: The defendant may appear before a judge in order to have
218 a judge accept a plea and set the fine or penalty at a regularly scheduled violation
219 arraignment session.

220 Violation Clerks may reduce per the violations bureau schedule. Nothing in this order shall
221 prevent any person from appearing before the Court at a regular violation arraignment session.

222 This Order shall supersede all other Orders that relate to authority of Violations Bureau Clerks
223 as addressed above.

224 DATED this 15th day of Dec., 2011.

225
226



Jane Aiken, Municipal Court Judge