

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:)
)
DISPOSITION OF CIVIL OFFENSES) Administrative Directive
BY COURT CLERKS) No. 2014 - 24
)
)
_____)

On October 29, 2014, the Supreme Court issued Administrative Order No. 2014-102 ordering that the Administrative Office of the Courts provide local presiding judges a model template to use and customize when issuing an administrative order as permitted by AO 2014-102.

Therefore, pursuant to Administrative Order No. 2014-102 and in the interest of the efficient administration of justice and good public service,

IT IS DIRECTED that effective October 31, 2014, the form in Appendix A is adopted for use by all Arizona courts for matters concerning the disposition of civil offenses by court clerks.

Dated this 31st day of October, 2014.

David K. Byers
Administrative Director

APPENDIX A

IN THE [NAME OF COURT]
IN THE COUNTY OF [NAME OF COUNTY], IN AND FOR THE STATE OF ARIZONA

In the Matter of:)
)
DISPOSITION OF CIVIL OFFENSES) Administrative Order
BY COURT CLERKS) No. [Year] - _____
)
)
)
)
_____)

The Court having considered options for better achieving swift, fair justice in the disposition of civil offenses,

IT IS ORDERED that a clerk designated by the court shall dismiss the charges when the defendant meets the stated conditions in the following matters:

1. For moving and bicycle violations, the defendant provides proof from a certified defensive driving school that the defendant successfully completed a defensive driving school class.
2. For failure to present proof of insurance [ARS § 28-4135(B) and (C) only], before the date and time specified on the citation for court appearance, the defendant provides proof that the vehicle was insured at the time the violation occurred. Acceptable forms of proof are presentation of a current insurance card or insurance policy document that reflects that the motor vehicle was insured at the time the violation occurred. If the card or policy document appears to lack authenticity or any other form of proof is presented, the matter shall be referred to a judicial officer.
3. For failure to possess a driver license while operating a motor vehicle [ARS § 28-3169], the defendant presents an acceptable form of proof that his or her driver license was current at

the time the violation occurred. Acceptable forms of proof are presentation of the defendant's driver license that was valid at the time the violation occurred, or presentation of a duplicate driver license issued to the defendant that was valid at the time the violation occurred.

4. [Enter additional case types here, providing explicit direction regarding the acceptable form(s) of proof the clerk can accept before dismissing the case].

IT IS FURTHER ORDERED that each defendant who wishes to admit the allegations shall be informed of the defendant's right to appear before a judicial officer and present an explanation, and to have the court consider the explanation in determining the civil penalty to be imposed.

IT IS FURTHER ORDERED that when a defendant admits the allegations and does not ask to appear before a judicial officer, a court clerk designated by this court shall enter the stated disposition when the defendant meets all of the stated conditions for each of the following matters:

5. For failure to properly secure a child in a child restraint system [ARS § 28-907(A) and (B)]:

- a. If the citation was issued for failing to equip the motor vehicle with a child restraint system and proof of subsequent remediation is presented, the clerk shall not impose a civil penalty. Acceptable forms of proof are proof of completion of a Children Are Priceless Passengers (CAPP) class, presentation of the actual child restraint system; presentation of the child restraint system installed in the vehicle; presentation of a photograph of the child restraint system installed in the vehicle; or presentation of a receipt that reflects the proof of purchase of a child restraint system.

- b. If the citation was issued for failing to equip the motor vehicle with a child restraint system and proof of subsequent remediation is not presented, the clerk shall impose a total civil penalty

Option 1: of \$_____.

Option 2: in the amount set forth in the court's bond schedule.

- c. If the defendant had a child restraint system in the vehicle at the time of the violation, and the citation was issued for failing to have the child restraint system properly installed, the clerk shall impose a total civil penalty

Option 1: of \$_____.

Option 2: in the amount set forth in the court's bond schedule.

6. For driving a motor vehicle without a valid driver license and proper endorsement [ARS § 28-3151], if the defendant presents an acceptable form of proof that he or she has become licensed to drive after the time the violation occurred, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

- Option 1: The clerk shall waive the total civil penalty.
- Option 2: The clerk shall reduce the total civil penalty to \$_____.
- Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Acceptable forms of proof are presentation of the defendant's driver license.

7. For failure to timely notify the Motor Vehicle Division (MVD) of the defendant's name or address change [ARS § 28-448], if the defendant presents an acceptable form of proof that his or her address has been updated with the MVD, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

- Option 1: The clerk shall waive the total civil penalty.
- Option 2: The clerk shall reduce the total civil penalty to \$_____.
- Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Acceptable forms of proof are presentation of documentation from the MVD that the defendant's address has been updated, or presentation of a driver license that reflects the updated address.

8. For failure to equip a motor vehicle with appropriate head lamps or tail lamps [ARS §§ 28-924, 28-925, and 28-931], if the defendant presents an acceptable form of proof that he or she has repaired the vehicle's lamps, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

- Option 1: The clerk shall waive the total civil penalty.
- Option 2: The clerk shall reduce the total civil penalty to \$_____.
- Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Acceptable forms of proof are presentation of a receipt from a repair shop reflecting that the vehicle lamps for which the defendant was cited were repaired [for violations of ARS §§ 28-924 and 28-925]; a demonstration that the vehicle's lamps are in working condition [for violations of ARS §§ 28-924 and 28-925]; or presentation of a picture that the vehicles lamps have been replaced with the appropriate color(s) [for violations of ARS § 28-931].

9. For failure to equip a motor vehicle with an appropriate windshield [ARS § 28-957.01], if the defendant presents an acceptable form of proof that he or she has repaired the vehicle's windshield, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

- Option 1: The clerk shall waive the total civil penalty.
- Option 2: The clerk shall reduce the total civil penalty to \$_____.
- Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Acceptable forms of proof are presentation of a receipt from a repair shop reflecting that the vehicle's windshield was repaired or replaced.

10. For excessive window tint [ARS § 28-959.01], if the defendant presents an acceptable form of proof that he or she has had the excessive window tint removed, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

- Option 1: The clerk shall waive the total civil penalty.
- Option 2: The clerk shall reduce the total civil penalty to \$_____.
- Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Acceptable forms of proof are presentation of a receipt from a repair shop reflecting that the excessive window tint has been removed from the window.

11. For parking in a space designated for disabled persons without displaying the required placard or plate [ARS § 28-884], if the defendant presents an acceptable form of proof that he or she has a valid placard or international symbol of access special plates, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

- Option 1: The clerk shall waive the total civil penalty.
- Option 2: The clerk shall reduce the total civil penalty to \$_____.
- Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Acceptable forms of proof are presentation of an appropriate placard or plate.

12. For failing to possess or present evidence of financial responsibility [ARS § 28-4135], if the defendant presents an acceptable form of proof of BOTH of the following:

- a. That the defendant has not been found responsible for a violation of section 28-4135 within the past twenty-four months or not more than one violation within the past thirty-six months as evidenced by the defendant's driving record; and

- b. That the defendant has purchased a six-month policy of insurance that meets the requirements of ARS § 28-4009, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

Option 1: The clerk shall waive the total civil penalty.

Option 2: The clerk shall reduce the total civil penalty to \$_____.

Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Option 4: The clerk shall waive suspension of the defendant's driver license and the license plate and registration of the motor vehicle involved.

Acceptable forms of proof are a copy of the defendant's official MVD driving record and presentation of an insurance card or insurance policy document that reflects effective dates after which the date of violation occurred.

13. For failing to carry the registration card in the vehicle [ARS § 28-2158(C)], if the defendant presents a registration card that was current at the time the violation occurred, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

Option 1: The clerk shall waive the total civil penalty.

Option 2: The clerk shall reduce the total civil penalty to \$_____.

Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

14. For failing to register a vehicle for the current registration year [ARS § 28-2153], if the defendant presents an acceptable form of proof of current registration, *(before issuing the order, the court should select one of the following three options that it wants its court clerks to implement)*

Option 1: The clerk shall waive the total civil penalty.

Option 2: The clerk shall reduce the total civil penalty to \$_____.

Option 3: The clerk shall impose the full civil penalty amount as set forth in the court's bond schedule.

Acceptable forms of proof are presentation of the vehicle registration that reflects current registration or a receipt from MVD reflecting that the vehicle's registration is current.

15. For displaying a license plate on a motor vehicle when the registration or license plate has been suspended [ARS § 28-4139]:

- a. If the defendant presents an acceptable form of proof that the registration or license plate was erroneously suspended, the clerk shall dismiss the charge.

The acceptable form of proof is presentation of a letter from MVD stating the registration or license plate was erroneously suspended.

- b. *(For courts that impose a base fine greater than \$250.00, before issuing the order, the court should decide if it wants its court clerks to implement this provision)* If the defendant presents an acceptable form of proof that the registration or license plate has been reinstated, the court shall reduce the base fine to \$250.00.

The acceptable form of proof is presentation of a letter from MVD stating the registration or license plate has been reinstated.

16. For failing to register a vehicle in this state or failing to display license plates for the current registration year [ARS § 28-2532]:

- a. If the defendant presents an acceptable form of proof of current registration in this state or current license plates, the clerk shall reduce the total civil penalty to [indicate the total civil penalty amount, not to exceed \$50.00].

Acceptable forms of proof are presentation of the vehicle registration showing that the vehicle has been registered in this state; a picture of the license plate that reflects tags for the current registration year; or a receipt from the MVD reflecting that the vehicle has been registered in this state.

- b. *(Before issuing the order, the court should decide if it wants its court clerks to implement this provision)* If the defendant presents an acceptable form of proof that the defendant was not the owner of the vehicle cited, the clerk shall waive the total civil penalty.

The acceptable form of proof is presentation of the vehicle registration that identifies someone other than the defendant as the owner.

17. Upon request, the clerk shall grant [list number of extensions] [list number of days for extension] day extension(s) to complete a class or provide proof for:

- a. Defensive Driving Class
- b. Bicycle Diversion Class
- c. Children Are Priceless Passengers (CAPP) Class
- d. Vehicle Repairs
- e. Insurance Violations
- f. Registration Violations

- g. Driver License Violations
 - h. [Enter additional case types here]
18. [Enter additional case types here with explicit directions on the amount of penalty clerks can impose, and/or specific form(s) of proof the clerk can accept before reducing a penalty, as appropriate]

IT IS FURTHER ORDERED that all cases must be referred to a judicial officer for resolution if:

- a. The authenticity of any documentary evidence is at issue, or
- b. Any party requests the opportunity to be heard by a judge, or
- c. The clerk is presented with any issue for which specific direction is not provided in this order.

Dated this [day] day of [Month], [Year].

[Name of Presiding Judge]
Presiding Judge