



## Tucson City Court Administrative Order

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### I. PURPOSE

This policy sets forth certain authorities and delegations to the Public Services division of Tucson City Court to process civil traffic violations issued on or after December 1, 2012. This order replaces all previous versions of Court Administrative Order 80-1.

### II. POLICY

It is Tucson City Court's policy that civil traffic violations will be handled in an efficient manner while still providing citizens charged with such violations public access to judges.

### III. IMPLEMENTING INSTRUCTIONS

- A. Any citizen who wishes to have a judicial officer review his/her defaulted (defaults entered in the computer system) civil traffic case will submit a written motion to set aside the default judgment. (Application and Order Re: Civil Default Judgment).
- B. All written motions will be reviewed by a magistrate, a special magistrate, or a limited special magistrate to decide whether to grant the motion without a hearing or schedule a hearing to make a ruling on the motion. (Pursuant to TCC Sec.8-6.8, applicable filing fee will be assessed per docket for all post-adjudicated cases)
- C. Defendants with matters related to show proof(s) not covered by this order, or with disputes regarding fines, may file a written motion. (Pursuant to TCC Sec. 8-6.8, applicable filing fee will be assessed per docket for all post-adjudicated cases)
- D. Public Services Division shall perform the following functions with respect to civil traffic infractions:
  1. **ACCEPT RESPONSIBLE PLEAS**
    - a. **Process payment in full.** Enter data in court system, issue receipt of payment and close case. May be by mail or in person.
    - b. **Issue payment contracts.** If defendant appears in person on or before arraignment date, or past their arraignment date, but prior to the actual entry of a default judgment into the court computer system, a payment plan can be



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issued. A one-time \$20 Time payment fee is assessed per statute. Reasonable effort should be taken to collect the \$20 at time of payment contract issuance. A minimum monthly payment of \$25 is required and the total balance due must be paid within 24 months. Subsequent payments can begin within 30 days of the issue date of contract and are due on the same day of the month thereafter.

If the defendant is appearing in person past their arraignment date, and an actual default judgment has been entered into the court computer system, but the case is NOT in collections (FARE), a payment plan can be issued. Twenty-five percent of the civil charges in default must be paid up front (no personal or business checks), the balance must be paid within 24 months and the minimum monthly payment is \$25 per month. MVD clearances are to be issued.

If the defendant is appearing past their arraignment date, and an actual default judgment has been entered into the court computer system, and the case is in FARE collection status, no payment plan can be issued. Total balance is due (no personal checks) to obtain MVD clearance paperwork.

No payment plans are issued through the mail or over the phone.

- c. **Extension to provide proofs.** On or before the arraignment date, or no more than 5 business days past the arraignment date, staff is authorized to give a defendant 30 days to obtain the required documents and/or pay any full or mitigated fines due. Extensions will not be given to defendants for a repair charge. The extension date will be based on the original arraignment date and the \$20 Time payment fee will be assessed on any fines due. The defendant must be present to obtain this extension, no extensions are given by mail or phone.

If defendant provided proofs timely after obtaining an extension to do so, but is unable to pay reduced fines or defendant was unable to obtain any proofs and now needs to pay fines in full and has appeared timely: Court staff may issue a payment plan of no less than \$25 per month and entire balance to be paid within 24 months. \$20 Time payment fee will be assessed and, if possible, should be collected at time of payment contract.



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**2. DEFENSIVE DRIVING SCHOOL (DDS)/ BICYCLE/PEDESTRIAN SAFETY DIVERSION OR CAPP (CHILDREN ARE PRICELESS PASSENGERS)**

- a. **DDS** must be completed 7 days prior to the defendant's arraignment date. If the defendant is appearing at court on or before their arraignment date, or not more than 5 business days past their arraignment date, an extension to complete DDS may be granted by Public Services staff. Due dates will be calculated by the violation date or arraignment date (depending on the type of citation in question) and must be completed 7 days prior to the due date. (Pursuant to TCC Sec. 8-6.9, a \$17 fee will be charged.)

The defendant may obtain a second extension by appearing in person on or before the due date (when the school is due to report to the court), or no more than 5 business days past their due date, and pay an additional \$17 extension fee. The due date of this second extension will be based on the due date given in the first extension (for completion of program by defendant).

Any additional extensions require the approval of a judge, which is requested by the filing of a motion. At time of motion filing, the \$17 DDS extension fee must be paid. Should the extension not be honored, the \$17 will be converted to any fine ordered. Should the case instead be set for hearing, the \$17 would be held by the court until the outcome of such hearing.

When attending DDS, a defendant may have 30 days from initial arraignment date to pay any process server fees due on a photo enforcement violation with no Time payment fee assessed.

- b. **Bicycle and/or Pedestrian Diversion.** Defendants cited for a civil traffic violation(s) while operating a bicycle or walking may appear in court on, before, or not more than 5 business days past their scheduled arraignment date to request participation in the Bicycle or Pedestrian Safety Diversion Program. At the initial appearance, a defendant may request and be granted an extension of 120 calendar days to enroll in and complete the program. The extension due date will be based on the original arraignment date. Proof of completion must be presented to court staff in Public Services lobby on or before the due date for dismissal of all violations on citation.



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- c. **CAPP (Children Are Priceless Passengers).** Defendants cited for a car seat violation (28-907A and 28-907B only) that are appearing at court on or before their arraignment date or no more than 5 business days past their arraignment date, may be issued an extension of 120 days to complete the CAPP program. No extensions will be given to defendants appearing more than 5 business days late. Upon successful completion of the program, a certificate will be issued. This certificate should be presented to court staff in Public Services on or before the due date for dismissal of the applicable charge(s). Defendants may take a single class to satisfy multiple violations on the same citation, but they will have to pay the enrollment fee per violation.

Prior to the entry of any actual default judgment into AJACS, a defendant given an extension for DDS, Bicycle/Pedestrian Safety Diversion, or CAPP may choose to instead plead responsible and/or pay fine and any applicable fees. The \$20 Time payment fee will be assessed, and a reasonable effort should be made to collect it at time of payment contract. Payments are to be a minimum of \$25 per month, with the entire balance being paid within 24 months. Community service remains an option for all applicable violation codes. If an actual default judgment has been entered, twenty-five percent must be paid up front.

**3. PLEA OF NOT RESPONSIBLE**

- a. Accept plea and route for setting of review or civil hearing. A defendant who is ONLY contesting "Paperwork" violations- for example- insurance, driver's license, and registration violations will be scheduled for a review hearing. Defendants contesting a repair or moving violation will be scheduled for a civil traffic hearings. TPD officers are scheduled for civil hearings, but not review hearings.
- b. If actual default entered into court computer system – defendant must file an Application and Order Re: Default Judgment to be reviewed by magistrate for appropriate action before a hearing can be set.
- c. A defendant appearing in person 7 or more calendar days prior to the scheduled hearing may receive a ONE TIME continuance and request a new hearing date.



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**5. CHANGE OF PLEA**

- a. If a defendant changes his/her plea from not responsible to responsible and shows any required proof documents, pays the fine in full or enters into a payment contract prior to a scheduled court hearing, the hearing date shall be vacated. Defendants are allowed to change their plea up until the case is called in court. If a payment contract is issued, the \$20 Time payment fee will be assessed and a reasonable effort should be made to collect it at time of issuance of contract. A minimum monthly payment of \$25 is required and full balance to be paid within 24 months.

**6. COMMUNITY SERVICE**

- a. When specifically requested by a defendant at time of initial arraignment (on or before scheduled arraignment date, or not more than 5 calendar days past) court staff may allow for community service with credit to be given at the rate of \$10 per hour on all fines EXCEPT: Expired Registration (28-2532A); Suspended Registration (28-4139A); Insurance 28-4135A, B, C, or E/E2/E3, Seatbelt 28- 909A; or Violation of Agreement – Unauthorized Driver 28-3512J. These excluded codes are considered mandatory fines and cannot be satisfied by community service.
- b. All community service proof is due within 90 days. The due date is calculated from the original arraignment date. To avoid partial hours of community service being due, the total hours due will be calculated down to the nearest full hour. For example, someone owing \$162 would complete 16 hours of community service. The extension will be written in such a way as to allow the work or payment. Any payment made will include the \$20 Time payment fee. Defendants may opt to split their options and complete some community service, but pay the balance.
- c. On or before, or within 5 business days of the expiration of any extension for



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community service, the defendant may be given a monthly payment plan by paying one half of the balance due. The remaining balance will be paid at a minimum of \$25 per month, with the entire balance to be paid in full within 24 months.

- d. Community Service Completed – Public Services staff may accept proof of completed community service as long as such proof is on agency letterhead, is dated after the order that allowed community service, the agency appears to be a charity, the document lists the number of hours worked, the dates worked, and the type of work performed. It must list a name, signature and a contact number.

**E. AUTHORITIES AND DELEGATIONS – ACCEPTING PROOFS**

**1. REGISTRATION**

- a. **28-2153A** – Failure to obtain current registration  
**28-2158C** – Failure to carry vehicle registration card
- Proof can be accepted unless an actual default judgment has been entered into AZTEC.
  - Copy/scan proof into AJACS and assess case processing fee
- Acceptable proof is a copy of the current (and paid for) registration or the Internet receipt exhibiting that the same has been requested and paid for. The documentation must be a match on the plate and/or last four digits of VIN as compared to the citation.
- Defendant presents proof of non-ownership\* in effect on the date cited – dismiss charge, copy/scan proof. (See note on ownership).
- b. **28-2058A2B** – Failure to Transfer Title (within 15 days)
- Defendant presents proof of transfer of title or registration in defendant's name- accept plea of responsible, copy/scan proof and assess case processing fee.
  - Defendant presents proof of non-ownership\* if the title was transferred and defendant was not the owner after date of citation –



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accept plea of responsible, copy/scan proof and assess case processing fee.

- Defendant presents proof of non-ownership\* in effect on the date cited – dismiss charge, copy/scan proof. (See note on ownership).
- c. **28-448A** – Failure to report name/address change on registration
- Defendant presents verbal or written proof of updated name/address information for registration – accept plea of responsible, copy/scan any proof and assess case processing fee.
  - Defendant presents proof of non-ownership\* in effect on the date cited – dismiss charge, copy/scan proof. (See note on ownership).
- d. **28-2532A** – Expired Registration in this State (proof accepted must be from Arizona)
- Defendant presents proof that registration was in effect on day of citation – copy/scan proof and dismiss charge.
  - Defendant presents proof of registration obtained after the date of citation – accept responsible plea, copy/scan proof and assess reduced sanction.
  - Defendant presents proof of non-ownership\* in effect on the date cited – dismiss charge, copy/scan proof. (See note on ownership).
- e. **28- 2533A** – Resident with out of state plates
- Accept plea of responsible and assess appropriate sanction.
- f. **28- 4139A** – Suspended Registration
- Proof of compliance for 28-4139A:
- Defendant presents proof that MVD has voided the original suspension – copy/scan proof and dismiss violation.
  - Defendant presents proof of non-ownership\* on date of citation- copy/scan proof and dismiss violation. (See note regarding ownership)
  - Defendant not in compliance- accept plea of responsible and assess



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sanction.

**\*Please note:** Ownership by defendant's legal spouse is the same as ownership by the defendant, but ownership by other family members is non-ownership. A rental car is a non-owned vehicle. Non-ownership proof can be the officer's statement on the citation.

If arraignment date has passed, but case not yet in default – Public Services staff are authorized to accept proofs and dismiss or assess sanctions as applicable.

If the case is in default – a plea of responsible is entered and the defendant must pay all fines/fees or file a motion to set aside.

**2. DRIVER'S LICENSE**

**a. 28-3151A – No Valid Operator's License**

- Accept proof of driver license in effect on date of violation and dismiss charge.
- Accept proof of driver's license obtained after date of violation and assess case processing fee
- If a defendant has an out of country driver license, motion to be filed or hearing set.

**b. 28-3169A – No Driver License in Possession**

Proof of compliance for 28-3169A:

- Accept proof of driver license in effect on date of violation and dismiss sanction. Copy/scan to AJACS
- Accept proof of driver's license obtained after date of violation and assess case processing fee. Copy/scan to AJACS
- If a defendant has an out of country driver license set for hearing or motion to be filed.

**c. 28-448A – Failure to report name/address change on driver's license**





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- Defendant presents verbal or written proof of updated name/address information – accept plea of responsible, scan/copy any proof and assess case processing fee

If arraignment date has passed, but not yet in default – Public Services staff are authorized to accept proofs and dismiss/suspend or assess sanctions as applicable.

If the case is in default – a plea of responsible is entered and the defendant must pay all fines/fees or file a motion to set aside.

**3. INSURANCE**

**28-4135A** – No mandatory insurance.

**28-4135B** – No evidence of insurance

**28-4135C** – Failure to produce insurance

**On or before appearance date**

- Defendant presents acceptable proof\* of liability insurance in effect on date of citation – copy/ scan proof of insurance and dismiss charge.
- Defendant present acceptable proof\* of liability in effect after the date of citation and acceptable 39 month MVR - accept plea of responsible, copy/scan proof of insurance and 39 month MVR and assess mitigated sanction.

**After appearance date**

- Defendant presents acceptable proof\* of liability insurance in effect on the date of citation and acceptable 39 month MVR but had received a 30 day extension to do so and is presenting timely – copy/scan proof of insurance and 39 month MVR and dismiss charge.
- Defendant presents acceptable proof\* after the appearance date/30 day extension date of liability insurance in effect on the date of citation and acceptable 39 month MVR – accept plea of responsible, copy/scan proof of insurance and 39 month MVR and assess mitigated sanction.
- Defendant presents acceptable proof\* after the appearance date/30 day



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extension date of liability insurance in effect after the date of citation and an acceptable 39 month MVR – accept plea of responsible, copy/scan proof of insurance and 39 month MVR and assess mitigated sanction.

#### Case in default

- Defendant presents acceptable proof\* of liability insurance in effect on the date of citation and acceptable 39 month MVR – accept plea of responsible, copy/scan proof of insurance and 39 month MVR and assess mitigated sanction, default fee, time payment fee, and FARE fees (if applicable). Exact fines are determined by date of violation.
- Defendant presents acceptable proof\* of liability insurance in effect after the date of citation and acceptable 39 month MVR – accept plea of responsible, copy/scan proof of insurance and 39 month MVR and assess mitigated sanction, default fee, time payment fee, and FARE fees (if applicable). Exact fines are determined by date of violation.

All defendants who are either appearing at court past initial arraignment date, or who are attempting to present insurance obtained after the date of citation are required to obtain a 39 month MVR report from MVD prior to the acceptance of any insurance proof. Citation may or may not be in default and/or FARE collection status. No MVR required if case was cited prior to 09/30/09.

Court staff is authorized to give an extension of no more than 30 days if extension is requested on or before appearance date or within 5 business days after the appearance date. This extension is for the purposes of obtaining the MVR report and any allowable insurance. Extensions will not be given for cases in default or collection status and mitigated fines are always assessed if the defendant is appearing so much as one day late on an insurance charge, regardless of an acceptable MVR and insurance proof.

Insurance documentation (with acceptable MVR if case cited 9/30/09 or later) is the only proof that clerical staff can accept on a case in default or FARE collection status.

MVR must be deemed acceptable for court staff to then accept any insurance proof for a fine reduction. A defendant is considered eligible for fine reduction if their



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MVR shows no insurance convictions in the last two years, or no more than one in 3 years.

Fines will be determined based on timeliness of defendant's initial appearance at court, their timeliness returning to address any extensions, and whether or not they had insurance on date of violation, or obtained it after.

**\*Please note:** Acceptable insurance proof is proof valid at time of citation for car involved, or purchased after and lists defendant as a covered driver and is a 6 month policy. It can be on any car, or non-owners insurance. Acceptable proof is an insurance ID card, a letter from the insurance company or declaration/policy paperwork that includes the year and description of the car if valid on date of citation or the defendant if obtained after. It must be a 6 month policy if obtained after as proven by the listing of an effective and expiration date.

**4. REPAIR CITATIONS**

- TC20-29.1 Bike-Failure to wear helmet
- 28-817A No bicycle lamp as required
- 28-921A1A Operating a Motor Vehicle in an unsafe condition
- 28-924A Improper head lamps or no head lamps
- 28-925A No Taillights
- 28-925C No license plate light
- 28-926A1 Failure to Display Reflector –Rear Reflector must be red
- 28-927 Improper or No Stop Light to rear
- 28-931C White Light Showing to Rear
- 28-933B Tail Lamp not visible 500 feet to the rear
- 28-939B1 Vehicle stop or signal lights not working
- 28-940-3 Driving with back-up lights on.
- 28-941.1 No dimmer switch or dimmer switch does not work
- 28-946B More than four headlights lighted on vehicle
- 28-947B Driving vehicle capable of displaying red or blue
- 28-949A Sell or use lamp unapproved lamp



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- 28-949B Sell or use lamp without trademark
- 28-949C Use lamp w/improper mounting or focus
- 28-952A1 Driving with inadequate brakes (including motorcycles)
- 28-955.01A Muffler violation motorcycles
- 28.956 Mirrors required if view to rear is obstructed
- 28-957A Windshield wiper required/wipers must work
- 28-957.01A No windshield
- 28-958.01A Rear fender splash guards
- 28-959.01B Placing unauthorized substance on glass in motor vehicle
- 28-959.01C Unauthorized/improper sun screen (tint) material
- 28-965 No Fuel Cap
- 28-2008 Certificate of title, permit, registration or plate (lost, Mutilated, or illegible)

- a. Proof of compliance for repair citations (shown on or before arraignment date)
  - Accept the following as proof of repair: a repair order with name and address of repair facility (must say paid in full and not be just an estimate and must list description of car and be a match) or officer's signature and PR number on citation. Copy/scan proof and assess the case processing fee per violation. Receipt of part purchase is not considered proof of repair
  - Proof of non-ownership on or before date of citation is acceptable. Accept proof and dismiss the violation. Officer's indication on face of ticket that defendant not the owner is acceptable.
  - Proof purchase of bike helmet for 20-29, proof of a working bicycle lamp for 28-817A, and proof of replacement of whatever a problem in 28-2008 is also acceptable.
  - No extensions are to be given for repair violations. Defendant will have to show proof on or before the arraignment date or schedule a hearing before a Judge.




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b. The below charges require a responsible plea and payment of fine or defendant pleads not responsible and hearing is set.

- 28-922 Lighted Lamps Required -
- 28-942.1 Multiple beam road lighting equipment usage (Failure to use low beams)
- 28-955 No muffler
- 28-963A1 Television installed in drivers view
- 28-964 No eye protection - motorcycle
- 28-935A Red light required on projecting load at night
- 28-935B Red flag required on projecting load during day
- 28-936B Fail to display lamps on parked vehicle
- 28-936C Fail to dim lamp on parked vehicle
- 28-954B Fail to use horn properly
- 28-954C Unlawful siren bell or whistle on vehicle
- 28-2354A1 Obscure Plate

**REVIEW RESPONSIBILITY:** The Presiding Magistrate or designee will review this Court Administrative Order for revision or deletion every two years or as needed.

  
\_\_\_\_\_  
PRESIDING MAGISTRATE

9/26/16  
\_\_\_\_\_  
DATE