

# CITY OF MCLOUTH, KANSAS

## TRAFFIC DIVERSION PROGRAM

**PURPOSE:** The Traffic Diversion Program is designed to address non-DUI prosecutions involving traffic offenses. We believe that by providing this rehabilitative legal opportunity for handling carefully selected traffic offenses, the offenders can become better citizens without sacrificing public safety or the general well-being of the community while making the most efficient use of limited judicial resources.

### **ACCEPTANCE IN THE Traffic Diversion Program IS A PRIVILEGE NOT A RIGHT.**

**ELIGIBILITY:** The City Prosecutor has the discretion to grant or deny participation in the Traffic Diversion Program. The City Prosecutor will place a higher priority on the need to ensure public safety rather than the desires of the individual traffic offender. No presumption in favor of diversion exists in any case. It is presumed that *diversion is not appropriate in the following circumstances:*

- ❖ The Applicant has had a diversion or amendment of a traffic Complaint in the City of McLouth in the 12 months preceding the date of the violation.
- ❖ The current Complaint was issued as a result of an accident.
- ❖ Alcohol is a factor in the current Complaint.
- ❖ The current Complaint is for a speed in excess of 20 mph over the posted speed limit.
- ❖ The current Complaint is for a violation committed in a construction or school zone or involves a school bus or emergency vehicle.
- ❖ The offense was combined with a major traffic offense, including but not limited to driving without having liability insurance in force, driving while suspended, driving while revoked, reckless driving, fleeing or attempting to elude, or leaving the scene/failure to report an accident.

### **FEE, FINES, AND COSTS:**

- ❖ A **\$25.00** non-refundable Traffic Diversion Application Fee, ***made payable to the Holbrook & Osborn, PA.***
- ❖ A traffic fine assessed for the offense as set forth on the Municipal Court approved fine schedule, and a diversion fee that is twice the amount of the traffic fine.
- ❖ Court costs as approved by the Municipal Court, approximately \$65.

- ❖ Costs associated with records requests, approximately \$19.95.
- ❖ A performance evaluation fee of \$60.
- ❖ Fees, fines, and costs must be paid by electronic funds transfer, check or money order. All fees/fines/costs (not including the application fee) are to be ***made payable to the City of McLouth.***
- ❖ Payment arrangements may be made with the City Prosecutor, HOWEVER, **ALL** fees, fines, and costs must be made before the end of the 90 day diversion term.
- ❖ If a payment is made with an insufficient funds personal check, an additional \$30.00 fee will be assessed and no personal checks will be accepted thereafter.
- ❖ Costs for any driving course or drug/alcohol evaluation requirements are to be paid by the defendant and paid directly to the course or evaluation provider.

**ALL CORRESPONDENCE REGARDING THE TRAFFIC DIVERSION PROGRAM  
MUST BE SENT TO City Clerk at THE FOLLOWING ADDRESS:**

**110 N. Union Street  
McLouth, KS 66054**

**Other contact may be made as follows:**

**Phone: 913-796-6411**

**Fax: 913-796-6131**

**[mclcityclerk@embarqmail.com](mailto:mclcityclerk@embarqmail.com)**

**APPLICATION FEE:** Make checks payable to:  
Holbrook & Osborn, P.A.

And mail to:  
City Clerk  
110 N. Union Street  
McLouth, KS 66054

**ALL OTHER FINES, FEES, and COURT COSTS:** Make checks payable to:  
The City of McLouth

And mail to:  
Clerk of the Municipal Court  
110 N. Union Street  
McLouth, KS 66054

**CITY OF MCLOUTH, KANSAS**  
**TRAFFIC DIVERSION APPLICATION**

***The non-refundable Traffic Diversion Application fee is \$25.00. Payment must be made to Holbrook & Osborn, PA either by check or money order.***

**PLEASE PRINT:**

Ticket Number \_\_\_\_\_ Date Received \_\_\_\_\_ Court Date \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

Current Street Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Email \_\_\_\_\_

Phone (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Social Security Number \_\_\_\_\_ Date of Birth \_\_\_\_\_ Sex \_\_\_\_\_

Race \_\_\_\_\_

Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

Insurance Company Name \_\_\_\_\_

Policy Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Current Employer \_\_\_\_\_

Employer Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_ Work Hours \_\_\_\_\_

**Traffic Related Offenses:** Have you been convicted of felony DUI, vehicular homicide, fleeing or eluding, or a DUI related involuntary manslaughter within the last five (5) years?

Yes: \_\_\_ No: \_\_\_ If "Yes," please explain: \_\_\_\_\_

**Prior or Current Diversions:** Are you currently subject to a diversion agreement from another city or county? Yes: \_\_\_ No: \_\_\_ If "Yes," please explain:

**Address Change:** I understand that it is my responsibility to keep the City Prosecutor and Municipal Court Clerk informed of my current address, telephone numbers, and

employment. By submitting this application for diversion I agree to accept service of Municipal Court Notices, other Court documents, and correspondence from the City Prosecutor by U S mail at my last known address.

❖ I agree that if I fail to provide the information requested in this Application for Traffic Diversion or if I give false or incorrect information my application may be denied and/or my Diversion may be terminated. I declare under penalty of perjury that the information in this Application for Traffic Diversion is true and correct.

❖ I understand that if my Application for Traffic Diversion is accepted, I waive all rights under the law or the constitution of Kansas or of the United States to counsel, a speedy arraignment, a speedy trial, and the right to a trial by jury. I understand that I have the right to consult with an attorney and that the City Prosecutor, Municipal Court Judge, and Municipal Court Clerk cannot give me legal advice.

❖ I further understand that by signing this Application for Traffic Diversion I am admitting that I committed the traffic offense(s) alleged in the Uniform Notice to Appear and Complaint.

❖ I request that my Application for Traffic Diversion be approved. I have paid the \$25.00 nonrefundable application fee.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**NOTICE:** If you have not received formal notice from the City Prosecutor that your Application for Traffic Diversion has been approved, you must appear at Municipal Court in McLouth, Kansas at the date and time stated on your Uniform Notice to Appear and Complaint. If you fail to appear, the Municipal Court Judge may order the **suspension of your license** and/or that a **bench warrant be issued for your arrest**.

The Application for Traffic Diversion is Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the City Prosecutor.

\_\_\_\_\_  
Trevin Wray, Assistant City Prosecutor

\_\_\_\_\_  
Date