

# 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 Law Office of Carol Ruth Bonebrake, PA.
- ❖ A diversion fee equal to the fine assessed for the offense as set forth on the Municipal Court approved fine schedule.
- ❖ Court costs as approved by the Municipal Court.
- ❖ Costs associated with records requests.

- ❖ Fees, fines, and costs must be paid by electronic funds transfer, check or money order.
- ❖ 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.

**ALL CORRESPONDENCE REGARDING THE TRAFFIC DIVERSION PROGRAM  
MUST BE SENT TO Carol Ruth Bonebrake at THE FOLLOWING ADDRESS:**

**Law Office of Carol Ruth Bonebrake, PA  
107 SW 6<sup>th</sup>, Suite 210  
Topeka, Kansas 66603**

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

**Phone: 785-234-4661  
Fax: 785-234-4630  
[carol@crblawtopeka.com](mailto:carol@crblawtopeka.com)**

**APPLICATION FEE:** Make checks payable to:  
The Law Office of Carol Ruth Bonebrake, PA

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

**MAIL ALL PAYMENTS TO:**

**Law Office of Carol Ruth Bonebrake, PA  
107 SW 6<sup>th</sup>, Suite 210  
Topeka, Kansas 66603**

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

***The non-refundable Traffic Diversion Application fee is \$25.00. Payment must be made to The Law Office of Carol Ruth Bonebrake, PA either by electronic funds transfer, 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 or Assistant City Prosecutor.*

\_\_\_\_\_  
*Carol Ruth Bonebrake, City Prosecutor*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Jennifer Conkling Bazin, Assistant City Prosecutor*

\_\_\_\_\_  
*Date*

**Traffic Diversion Terms**

I \_\_\_\_\_, understand that if my Application for Traffic Diversion is approved I agree to the following Traffic Diversion terms:

1. The term Diversion shall be for a period of 90 days;
2. I SHALL not violate the traffic laws of the City of McLouth;
3. I SHALL not receive any further moving traffic violations in the City of McLouth;
4. Within 60 days after the Application for Traffic Diversion is approved, I SHALL complete an approved Kansas Driving Safety Course at my own expense;
5. Once I complete the Kansas Driving Safety Course I will make sure that a copy of my completion certificate is delivered to the City Prosecutor's office before the end of my 90 day diversion period.
6. I SHALL pay the fine shown on the Uniform Notice to Appear and Complaint;
7. I SHALL pay a diversion fee equal to the amount of the fine; and
8. I SHALL pay the court costs which are \$54.00.
9. I SHALL pay any costs associated with requests to state agencies for my driving record.

❖ **I agree that the total amount of fines and costs I must pay is as follows:**

<b>Fine</b>	\$ _____
<b>Diversion Fee</b>	\$ _____
<b>Court Costs</b>	<b>\$ 54.00</b>
<b>Record Costs</b>	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>

❖ I agree that if I do not complete each and every requirement of this Traffic Diversion Agreement, as stated above, the Agreement may be terminated. I further agree that if I do not appear for hearing on a motion to terminate my Traffic Diversion Agreement (after I have been notified by first class mail to my last known address), my failure to appear shall be sufficient grounds for the Court: (1) to grant the motion to terminate in my absence; (2) to enter a conviction pursuant to my prior plea of guilty or no contest; (3) to enter a conviction pursuant to my admission that I committed the traffic offense set forth in the Uniform Notice to Appear and Complaint; and (4) to issue a bench warrant for my arrest.

❖ I understand that if I fail to complete the terms of this Traffic Diversion Agreement, and the Agreement is terminated, that I may be subject to additional fines.

❖ I understand that if I DO complete each and every requirement of this Traffic Diversion Agreement, as stated above, that the City Prosecutor will dismiss the Complaint and the case cannot be re-filed.

**This Traffic Diversion Agreement is entered by and between the Defendant and the City Prosecutor. The diversion term begins upon signing by the City Prosecutor. A copy will be sent to the Defendant by first class mail to the address stated above.**

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Offender Date

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Carol Ruth Bonebrake, City Prosecutor Date

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Jennifer Conkling Bazin, Assistant City Prosecutor Date