



DOUGLAS COUNTY DISTRICT ATTORNEY

Seventh Judicial District
Judicial & Law Enforcement Center
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Traffic Infraction Diversion Program Guidelines

The Douglas County District Attorney has established the following guidelines for diversion of traffic infraction charges. Traffic infractions are violations for which a standard penalty is listed at K.S.A. 8-2118. See K.S.A. 21-3105. In addition, misdemeanor violations of K.S.A. 8-2503 and K.S.A. 8-142 (expired tag only) may be combined with an infraction for diversion.

Traffic Infraction Diversion Eligibility

Diversion is a privilege, not a right. No presumption in favor of diversion exists in any case. It is presumed that diversion is not appropriate in the following circumstances:

1. The applicant has had a diversion or amendment through this office or in the Douglas County District Court in the 12 months preceding the date of the violation.
2. The current charges include more than one moving violation. However, nonmoving violations maybe combined with a moving violation for diversion.
3. The current citation was issued as a result of an accident or if alcohol was a factor.
4. The current citation is for a speed in excess of 20 mph over the speed limit or for a violation committed in a construction or school zone or involving a school bus or emergency vehicle.
5. 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.
6. The applicant has active warrants.
7. **A driver or holder of a commercial driver's license may NOT enter into a diversion agreement pursuant to K.S.A. 8-2,150.**

Traffic Infraction Diversion Procedure

1. Applicant must attend all court appearances until finalized diversion agreement is filed. The process takes about four to six weeks from the date it is submitted.
2. The diversion application must be completed on forms provided by the District Attorney's office.
3. A legible copy of the ticket must be submitted with the application.
4. The application must be sworn and signed in the presence of a notary, which may be done in the District Attorney's office during regular business hours (Monday through Friday, 8:30am-12pm, 1pm-5pm)
5. Applicant will be responsible for a diversion fee of \$100, the fine amount(s), and court costs of \$108. **Payment shall be made with a personal check, cashier's check, or money order made payable to 'DA Custodial Fund'. Cash will not be accepted. Payment must be turned in with the diversion agreement.**

DOUGLAS COUNTY DISTRICT ATTORNEY'S OFFICE
Traffic Diversion Application and Agreement

Full Name _____ Case Number _____

Charge(s) _____ Next court date and time _____

Ticket Number _____ Date of Birth _____ SS# _____ Sex _____
(As on ticket)

COMMERCIAL DRIVER'S LICENSE HOLDERS ARE NOT ELIGIBLE FOR TRAFFIC DIVERSION

Phone _____ Email _____

Address _____ Zip Code _____

City/State _____ DL # & State _____

Upon acceptance of this agreement, the defendant agrees to do the following:

Pay Statutory fine of \$ _____

Pay diversion fee of \$ 100.00

Pay court costs of \$ 108.00

Total due \$ _____ (Check or money order must be included with this document and made payable to 'DA Custodial Fund')

The defendant agrees to **waive all rights** to a speedy trial. The defendant acknowledges a right to consult with an attorney and understands that the District Attorney's Office cannot give legal advice on this matter. If proceeding without the advice of counsel, the defendant waives any right to an attorney. The defendant stipulates and agrees that the facts as presented in the Complaint in this matter are true.

Upon receipt of payment in the amount specified above and determination of eligibility, the State agrees to do the following:

Dismiss, with prejudice, the charges in the compliant. Defendant understands that if the application is denied, \$25 of the diversion cost is non-refundable.

I solemnly swear that I have read the foregoing Diversion Application and all of the information is true and correct to the best of my knowledge. I understand that giving false information will be a basis for denial of diversion or revocation of diversion including the reinstatement of charges against me.

Name (Printed)

Signature

Attorney for Defendant (if any)

Subscribed and sworn to before me on _____, _____

Notary Public: _____

My appointment expires: _____

Assistant District Attorney

Deliver or mail this application with payment to the District Attorney's Office, 111 E 11th St Unit 100, Lawrence, KS 66044.

If you have any questions please contact our office at datraffic@douglascountyks.org or call 785-841-0211

DESCRIPTION OF OFFENSE	STATUTE	FINE	DESCRIPTION OF OFFENSE	STATUTE	FINE
Unsafe speed for prevailing conditions	8-1557	\$75	Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	*
Disobeying traffic control device	8-1507	\$75	Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45	Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75	Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75	Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75	Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75	Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75	Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75	Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45	Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75	Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75	Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75	Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45	Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45	Soliciting ride or business on roadway	8-1538	\$45
Driving through safety zone	8-1539	\$45	Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure to yield to blind pedestrian	8-1542	\$45	Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75	Improper "U" turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45	Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75
Improper method of giving notice of intention to turn	8-1549	\$45	Improper hand signal	8-1550	\$45
Failure to stop or obey railroad crossing signal	8-1551	\$195	Failure to stop at railroad crossing stop sign	8-1552	\$135

Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75	Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75	Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45	Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45	Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45	Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45	Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45	Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45			
Driving over fire hose	8-1582	\$45	Putting glass, etc., on highway	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45	Improper operation of snowmobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45	Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45	Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45	Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$45	Improper operation of motorcycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45	Improper motorcycle handlebars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye-protection requirements	8-1598	\$45	Unlawful riding on vehicle	8-1578a	\$75
Unlawful operation of all-terrain vehicle	8-15,100	\$75	Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115	Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45	Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45	Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45	Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45	Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45	No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45	Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45

			Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45	Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45	Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45	Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45	Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45	Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45	Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45	Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45	Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45	Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45	Improper air-conditioning equipment	8-1747	\$45
TV screen visible to driver	8-1748	\$30	Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75	Improper compression release engine braking system	8-1761	\$75
Defective motorcycle headlamp	8-1801	\$45	Defective motorcycle tail lamp	8-1802	\$45
Defective motorcycle reflector	8-1803	\$45	Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45	Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45	Improper performance ability of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45	Defective horn, muffler, mirrors or tires	8-1810	\$45

- * 1-10 mph over the limit; \$45
11-20 mph over the limit; \$45 plus \$6 per mph over 10 mph over the limit.