

OTSEGO COUNTY TRAFFIC DIVERSION PROGRAM

The Otsego County District Attorney, in an effort to provide efficient and judicious service to motorists in Otsego County, has implemented this program to assist people who are seeking a disposition of their current vehicle and traffic violations. The successful completion of this program will result in the dismissal of your vehicle and traffic ticket(s).

The Otsego County Traffic Diversion Program is a program designed to protect the public, promote lawful conduct and reduce inefficiency in the criminal justice system in Otsego County without increasing cost to the taxpayers. The goals of this program are to:

- **Promote Safe Driving.** All participants in this program are required to complete a defensive driving course.
- **Promote Driver Financial Responsibility.** All participants must have a valid automobile insurance policy in effect to be eligible for this program, which will reduce the number of uninsured drivers in Otsego County.
- **Promote Efficiency in Prosecution.** This program is designed to free up valuable prosecution resources, thereby allowing the District Attorney's Office to focus on more complex cases. In addition, the program provides motorists charged with offenses an efficient means of disposing of their cases. Finally, as applicants pay for their participation in the program, it can be offered at no additional cost to the taxpayers of Otsego County.

BENEFITS TO PARTICIPANTS

- You will derive the educational benefits of a defensive driving program
- You may receive a reduction in your vehicle insurance premiums
- Your vehicle and traffic ticket(s) will be dismissed

ELIGIBILITY REQUIREMENTS

To be eligible to enter the Traffic Diversion Program, you must meet the following requirements:

1. You are currently charged with an eligible offense(s) not more than 6 months old;
2. You have not been convicted of three or more moving violations within the last 36 months;
3. If you are charged with a speeding offense, you have not been convicted of a speeding offense within the last 18 months;
4. If you are charged with a cell phone violation, you have not been convicted of a cell phone violation in the last 36 months;
5. If you are charged with more than one ticket, the total number of points is no more than 6;

6. You have not participated in the Otsego County Traffic Diversion Program within the last 18 months;
7. You had a valid driver's license and automobile insurance at the time of the offense;
8. You were not involved in a motor vehicle accident that resulted in physical injury or death.

NOTE: Pursuant to Federal Law, holders of a Commercial Learner's Permit or Commercial Driver's License are not eligible for the Traffic Diversion Program.

PLEASE NOTE: If you do not meet the eligibility requirements to enter the program, you may still seek a plea bargain by filling out an Application for Reduction of Charges, a copy of which may be obtained by contacting this office at 607-547-4268 or by logging onto www.otsegocounty.com/depts/da and visiting the District Attorney's Office web page.

INELIGIBLE OFFENSES

- Any speeding violation in excess of 20 miles per hour over the posted speed limit;
- Any offense committed in a school zone;
- Any misdemeanor offense;
- Any child restraint violation;
- Any seat belt tickets;
- Any equipment violation;
- VTL Sections 600(1)(a) and 600(2)(a) - Leaving the scene of a property damage accident or of a personal injury accident;
- VTL Section 1174 - Passing a stopped school bus;
- VTL Section 1180(f)- Speeding in construction zone;
- VTL Section 1192 - Driving under the influence of alcohol or drugs;
- VTL Section 1212 - Reckless driving;
- VTL Section 1225(d) - Texting while driving violations.

NOTE: If you are charged with more than one offense, both offenses must be eligible offenses in order for you to participate in the program. If one of your offenses is not an eligible offense, DO NOT apply for the program. If one of the offenses is an equipment violation, you may still apply but only if you provide proof that the problem has been fixed.

INSTRUCTIONS FOR APPLYING

Before applying for the Otsego County Traffic Diversion Program, make sure to mail in your plea of not guilty to the court in which your charges are pending. Failure to do so could result in the suspension of your driver's license by the court.

- Fill out the [application](#) completely and attach all requested documents
- Include the following documents with your application:
 - A copy of your traffic ticket(s)
 - A copy of your automobile insurance card
 - Two self addressed, stamped envelopes
 - Check or money order in the amount of \$200.00 payable to Otsego County (this is a non-refundable application fee)
- Mail the completed application to:

Otsego County District Attorney
c/o Traffic Diversion Program
197 Main Street
Cooperstown, New York 13326

If you submit false information on your application, you will be terminated from the program and your application fee will not be refunded.

NOTICE: Failure to completely fill out the application or include the requested documents may be grounds for the denial of your application.

Upon receipt of your application, the Otsego County District Attorney's Office will notify you by mail of your acceptance in the program. Please allow up to 10 business days for processing.

WARNING: If you do not receive formal notice from the District Attorney's Office of your acceptance into the diversion program, you must appear in court on the date and time indicated on your ticket or as directed by the court. Failure to do so may result in the suspension of your driver's license.

The Otsego County District Attorney has complete discretion to approve or deny any application. Being eligible for the program does not ensure your acceptance into the program. If your application is denied for any reason other than providing false or misleading information on your application, your application fee will be refunded.

AFTER ACCEPTANCE

Once you receive notice of your acceptance, you will have 60 days from the date of the notice to complete a New York State Department of Motor Vehicles approved traffic safety course. The course must be an approved course from the New York State DMV Point Insurance Reduction Program. Please note that the fee for the traffic safety course is not included in the \$200.00 application fee.

Many approved courses are available online through various providers. A list of approved courses is available on the [DMV website](#).

You may also take the course in a traditional classroom setting through your insurance agent or AAA office.

Whatever course you choose, make sure that the provider will provide you with written proof of your completion of the course.

IMPORTANT: YOU MUST PROVIDE PROOF OF YOUR COMPLETION OF THE TRAFFIC SAFETY COURSE TO THE DISTRICT ATTORNEY'S OFFICE WITHIN 60 DAYS OF YOUR ACCEPTANCE INTO THE TRAFFIC DIVERSION PROGRAM. YOUR FAILURE TO DO SO WILL RESULT IN YOUR DISMISSAL FROM THE PROGRAM AND THE RESUMPTION OF THE PROSECUTION OF YOUR TRAFFIC TICKET AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.

Upon receipt of proof of your completion of the traffic safety course, the District Attorney's Office will inform you and the court, by mail, of your successful completion of the Otsego County Traffic Diversion Program and will withdraw prosecution of your ticket(s), which will then be dismissed.

COURT DATES

Upon your acceptance into the Traffic Diversion Program, the court will be notified of the same and your case will be adjourned for 60 days. It is important that you keep any court date set by the court. If you need an adjournment, contact the court directly as the District Attorney's Office has no authority to grant an adjournment.

If you are dismissed from the program, the court will be notified of the same and you will receive a new court date at which you must appear to answer your ticket(s). Failure to appear as directed may result in the suspension of your driver's license.

QUESTIONS

Please direct any questions to the Otsego County Traffic Diversion Coordinator, Rebekah Rohde, at 607-547-4268 or email at trafficdiversion@otsegocounty.com.

07/2017