

# **WYOMING COUNTY TRAFFIC DIVERSION PROGRAM**

## **AGGRAVATED UNLICENSED OR UNINSURED OPERATOR PROGRAM (AUO PROGRAM)**

**STOP AND READ: IF YOU ARE CURRENTLY NOT CHARGED WITH VTL 511-1, 511-2 or 319-1 YOU ARE NOT ELIGIBLE FOR THIS PART OF THE PROGRAM; HOWEVER, YOU MAY BE ELIGIBLE UNDER THE V&T PROGRAM. SEE ADDITIONAL LINK ON DA WEBSITE FOR ELIGIBILITY REQUIREMENTS UNDER THAT PROGRAM.**

Welcome to the Wyoming County Traffic Diversion Program. This program is designed to assist traffic ticket offenders who are seeking a disposition of their current Vehicle and Traffic Tickets. There are two separate and distinct programs: The Vehicle and Traffic Violation Program (V&T Program) AND the Aggravated Unlicensed/Uninsured Program (AUO). The information below only pertains to the AUO part of the program. The successful completion of either of these programs will result in the District Attorney's Office withdrawing prosecution of your traffic ticket(s). [Exception: Any person who completes the Traffic Diversion Program who has a CDL will have their ticket reduced to 1203a with no fine or surcharge. By Federal Law the ticket(s) cannot be dismissed.]

**PLEASE READ THE FOLLOWING INFORMATION CAREFULLY TO DETERMINE YOUR ELIGIBILITY FOR THE PROGRAM AND TO SUCCESSFULLY ENROLL AND COMPLETE THE PROGRAM**

### **ELIGIBILITY**

#### **Aggravated Unlicensed Operator /Uninsured Operator Program (AUO Program)**

1. You are charged with an eligible offense (see definition below);
2. You have not been convicted of any moving violation (violation with points) of the Vehicle and Traffic Law within the last 12 months, or any alcohol or drug related driving offense within the last 10 years, or have been convicted of any felony;
3. You have proof that the vehicle you were operating has valid motor vehicle insurance as of the date of this application to this program;
4. You pay the applicable application fee based upon your current charge
  - a. If charged w/ VTL 511-1 AUO 3<sup>rd</sup> – Application Fee is \$250
  - b. If charged w/ VTL 511-2 AUO 2<sup>nd</sup> OR 319-1 Application Fee is \$350
  - c. If charged with VTL 511-3 – not eligible as it is a felony
5. Be able to complete a Defensive Driving Course;
6. Be able to provide proof of a valid New York State driver's license or abstract within 90 days of entering the diversion program;

7. You have not previously completed the Wyoming County Traffic Diversion program within 12 months preceding this application;
8. You have answered and pled not guilty to the ticket prior to the return date listed on your ticket(s);
9. You have not missed any scheduled court appearances without prior approval of the court.
10. My violation was not committed while operating a commercial vehicle on the “East Hill” or “East Buffalo Street” in the Village of Warsaw in violation of VTL section 1110a.

**11. You do not hold a CDL.**

“**Eligible Offense**” means any violation of New York State Vehicle and Traffic Law, but specifically *excludes*, any V&T §1192 Driving Under the Influence of Alcohol or Drug Charge; V&T§1212 Reckless Driving; Passing a Stopped School Bus; any speed greater than 30 mph over the speed limit; Leaving the Scene of an Accident; accidents resulting in physical injury or death of anyone other than the driver.

## INSTRUCTIONS FOR APPLYING

1. Plead "Not Guilty" on your ticket(s) and mail the originals to the court as soon as possible. **Please make following notation on the ticket being mailed to the court: "Applied to Traffic Diversion".** Make a copy for yourself and another copy that you will submit with your application.
2. Completely fill out the AUO application form (see website for form). Failure to complete the application may be grounds for denial of your application. If not typed please make sure it is legible. Your goal should be to apply and be accepted into the program prior to the return court date listed on your ticket.
3. Once accepted into the Wyoming County Traffic Diversion Program the application fee is non-refundable. Please make sure all selections are accurate and monies are correct before submitting the application.
4. **NO PERSONAL CHECKS WILL BE ACCEPTED**
5. Mail the completed 3 page application to:

**Wyoming County Traffic Diversion Program  
Wyoming County District Attorney's Office  
147 North Main Street  
Warsaw, New York 14569**

6. Include **ALL OF THE FOLLOWING DOCUMENTS** with your application. Failure to attach these documents will result in the denial of your application:

- ❑ ONLY Certified Bank Check, money order or credit card  
**(No Personal Checks)**

**Payable to the: Wyoming County Treasurer**

**Note: The cost of the Defensive Driving Course will be borne by the participant and no part of the application fee will be returned.**

- Copy(s) of your traffic ticket or court notice
- Copy of your New York State Driving Abstract (even if you are not a NYS resident, it can be obtained at any DMV office for a small fee, and it does not need to be certified)
- Self-addressed, stamped envelope, unless submitting via email.
- Proof of valid motor vehicle insurance (if it was a car rental, you can include a copy of the car rental agreement or a copy of your personal motor vehicle insurance)

Note: The Wyoming County District Attorney has full discretion to accept or reject any application for either program at any time for any reason. The District Attorney may also demand further information which may assist in determining whether there are mitigating circumstances.

## **NEXT STEPS**

Upon receipt of your completed application and payment, the Wyoming County District Attorney's Office will notify you by letter of your enrollment in the Traffic Diversion Program. Please allow up to 10 days for processing from receipt of the application. The court will be notified of your acceptance and your court case will be adjourned for 90 days. It is important to keep any court dates set by the court. Failure to appear on a scheduled court date may result in your license being suspended. If you require an adjournment of your case, please contact the court directly. Do **not** call the District Attorney's Office. The District Attorney has no power to grant an adjournment.

During your adjournment, you must complete a Defensive Driving Course (DDC), commonly called Point and Insurance Reduction Courses. This is a 6 hour course. **YOU CAN TAKE ANY DEFENSIVE DRIVING COURSE OF YOUR CHOICE.**

These courses are offered online through a variety of providers (see separate list on the DA website or on the DMV websites: <https://dmv.ny.gov/pirp/online> and <https://dmv.ny.gov/pirp/classroom>.) You may also take the course in a traditional course setting, such as through an insurance agent, community college or AAA office. Both online and traditional courses will provide you with a certificate of completion upon finishing the course. If you choose to complete your course online, **please be aware that your certificate will be mailed 14 to 21 business days after your completion of the course** and you will be responsible for the additional fee to complete the course. IT IS YOUR RESPONSIBILITY TO SUBMIT A COPY OF YOUR CERTIFICATE to the District Attorney's Office by the date stated in your Program Acceptance Letter.

Once you receive your certificate, you must forward a **copy of the certificate and proof that you have a valid New York State license or abstract** to the **Wyoming County District Attorney's Office, c/o Traffic Diversion Program, 147 North Main Street, Warsaw, New York 14569**. Upon receipt, the District Attorney's Office will inform you and the court by letter of your successful completion of the Traffic Diversion Program and will withdraw prosecution of your ticket. Your court case will be dismissed at that point. [Exception: Any person who completes the Traffic Diversion Program who has a CDL will have their ticket reduced to 1203a with no fine or surcharge. By Federal Law the ticket(s) cannot be dismissed.]

## **WARNINGS: PLEASE READ BEFORE APPLYING TO THE PROGRAM**

1. IF YOU SUBMIT FALSE OR MISLEADING INFORMATION ON YOUR APPLICATION FOR ADMITTANCE TO EITHER OF THE DIVERSION PROGRAMS, YOU WILL BE TERMINATED FROM THE PROGRAM, YOUR APPLICATION FEE WILL BE FORFEITED AND YOU WILL STILL HAVE TO APPEAR IN COURT AS IF YOU HAD NEVER APPLIED TO THIS PROGRAM. YOU MAY ALSO FACE CRIMINAL CHARGES
2. ANY APPLICANT WHO IS ACCEPTED INTO THE WYOMING COUNTY TRAFFIC DIVERSION PROGRAM AND THEN FAILS TO COMPLETE THE REQUIREMENTS OF THE PROGRAM FORFEITS THE \$350/\$450 APPLICATION FEE AND IT WILL NOT BE REFUNDED.
3. THE LOCAL JUSTICE COURT CAN SUSPEND YOUR LICENSE FOR FAILURE TO ANSWER ANY TRAFFIC TICKET IN A TIMELY MANNER. IF YOU ARE NOT TIMELY IN APPLYING TO THIS PROGRAM OR ANSWERING YOUR TRAFFIC TICKET YOUR LICENSE MAY ALREADY BE SUSPENDED. IF YOUR LICENSE IS SUSPENDED THERE IS A FEE ASSOCIATED WITH LIFTING THAT SUSPENSION. PLEASE NOTE THAT PARTICIPATION IN THE PROGRAM WILL SATISFY THE TRAFFIC TICKET, BUT IT WILL NOT SATISFY SUSPENSIONS OR SUSPENSION FEES AS A RESULT OF YOUR FAILURE TO HANDLE YOUR TRAFFIC MATTER IN THE APPROPRIATE TIME FRAME. THIS IS A SEPARATE ISSUE ENTIRELY AND MUST BE HANDLED BY YOU DIRECTLY WITH THE LOCAL JUSTICE COURT. IT IS YOUR RESPONSIBILITY TO ANSWER YOUR TICKET IN THE APPROPRIATE TIME FRAME. IT IS ALSO YOUR RESPONSIBILITY TO KEEP THE LOCAL COURT INFORMED REGARDING THE STATUS OF YOUR PARTICIPATION IN THIS PROGRAM.
4. IF YOU HAVE NOT RECEIVED A FORMAL NOTICE FROM THE DISTRICT ATTORNEY'S OFFICE THAT YOUR TRAFFIC DIVERSION APPLICATION HAS BEEN APPROVED, YOU MUST APPEAR ON THE DATE AND TIME INDICATED ON YOUR TICKET. FAILURE TO DO SO WILL RESULT IN A SUSPENSION OF YOUR LICENSE AND/OR A BENCH WARRANT BEING ISSUED FOR YOUR ARREST. YOUR APPLICATION FEE WILL ALSO BE FORFEITED.

## **QUESTIONS**

Please direct any questions about the Traffic Diversion Program by email to: [trafficdiversion@wyomingcountyny.gov](mailto:trafficdiversion@wyomingcountyny.gov) Please do not contact the court with questions regarding the Traffic Diversion Program. Only requests for adjournments should be addressed to the court. Again, the District Attorney's Office cannot grant further adjournments of your court case for the purpose of completing the Traffic Diversion Program requirements.

**DO NOT CALL THE DA'S OFFICE FOR UPDATES OR WITH QUESTIONS REGARDING THE TRAFFIC DIVERSION PROGRAM. USE THE EMAIL PROVIDED ABOVE.**