

CHAUTAUQUA COUNTY DISTRICT ATTORNEY'S TRAFFIC SAFETY PROGRAM

The following is the Chautauqua County District Attorney's guidelines for traffic tickets issued in Chautauqua County. The procedure set forth below may be used by those individuals who wish to enter a plea of guilty by mail pursuant to these guidelines. To utilize this policy, you still **MUST** respond to the ticket. Plead "Not Guilty" on your ticket(s) and mail the originals to the court as soon as possible. Make a copy for yourself and another copy that you will submit to the court with your "Plea Form".

PURPOSE

The Chautauqua County Traffic Safety Program is designed to educate accused drivers, allow them to avoid the surcharges and points that come with moving violations, while simultaneously making our roads safer through education. The program offers ticketed drivers for relatively minor traffic infractions the opportunity to take an instructional course so that the driver may avoid points and other penalties associated with traffic tickets and at the same time reduce the likelihood that they will re-offend. The overall goal is to make you a better driver, make our roads safer, and allow you to avoid the additional financial consequences that come along with your traffic violation.

PLEASE READ THESE INSTRUCTIONS CAREFULLY

These guidelines are **NOT** intended to provide you with information about the charges or offer legal advice on whether to enter a plea of guilty or not guilty. If you want any legal advice you should consult an attorney.

ALL COMMUNICATION WITH THE DISTRICT ATTORNEY'S OFFICE MUST BE VIA EMAIL

In the event that you have a question regarding the reduction of a traffic charge, all communication must be via email to our office. Your communication should be addressed to JohnsoDe@co.chautauqua.ny.us and a response will be via email.

Important Note on License Suspension

The local court can suspend your license for failure your 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 Department of Motor Vehicle fee associated with lifting that suspension. Participation in this program will satisfy the traffic ticket, but it will **NOT SATISFY** suspensions and suspension fees as a result of your failure to handle your traffic matter in the appropriate time frame. 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.

ELIGIBILITY

The following is the Chautauqua County District Attorney's plea guidelines for traffic tickets. This policy applies **ONLY** to tickets that are marked "**Infraction**" or "**Violation**" and were issued under the "Vehicle and Traffic Law" (VTL). **NO Felony** or **Misdemeanor** offenses fall under this Policy.

In order to be eligible for the Traffic Safety Program you **MUST** meet the following requirements:

1. You are charged with an eligible offense (see list 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 were **NOT** involved in a collision with another vehicle;
4. You were driving **LESS** than 30 mph over the posted speed limit or less than 20 mph over the posted speed limit in a school or work zone;
5. You have proof that the vehicle you were operating has valid motor vehicle insurance as of the date of this application;
6. You are able to complete the Advent eLearning Traffic Safety Course (see information below);
7. You have **NOT** previously participated in the Chautauqua County Traffic Safety Program within 12 months preceding this application;
8. You received **3** or fewer tickets in the current case;
9. You have answered and pleaded not guilty to the ticket prior to the return date listed on your ticket(s); and,
10. You have not missed any scheduled court appearances without prior approval of the court.

Note

The Court and/or the District Attorney's Office are free to revoke an offer at **ANY** time if it is determined that an individual has made any errors/omissions regarding the availability of the plea offer, the circumstances for the issuance of the ticket or his or her prior convictions.

INSTRUCTIONS FOR APPLYING

1. Plead “Not Guilty” on your ticket(s) and mail the originals to the court as soon as possible. Make 2 copies of your ticket(s) so that you have copies for yourself and your application.
2. Completely fill out and sign the “**CHAUTAUQUA COUNTY DISTRICT ATTORNEY’S TRAFFIC SAFETY PROGRAM APPLICATION**”;
3. Completely fill out and sign the “**CHAUTAUQUA COUNTY DISTRICT ATTORNEY’S TRAFFIC SAFETY PROGRAM PLEA FORM**”;
4. Provide a copy of your ticket(s);
5. Provide a copy of your Driving Abstract (obtainable from your DMV);
6. Provide the Certificate of Completion from Advent eLearning Traffic Safety Course or other approved program (information below); and
7. Provide a self-addressed stamped envelope
8. Mail Items 2 – 7 **TO THE COURT** where your ticket was issued (address is on your ticket)

DO NOT SEND YOUR PAPERWORK TO THE DISTRICT ATTORNEY’S OFFICE – IT WILL BE RETURNED

Advent eLearning Traffic Safety Course

It is required that you complete and provide the court, among other things, a certificate of completion of the **Advent eLearning Traffic Safety Course** OR a comparable traffic safety course. The website for the Advent course is:

<https://www.adventfs.com/elearning-programs/#trafficsafety>

If you wish to complete a program other than the one offered by Advent, you must submit that request via email to the District Attorney’s Office. An on-line or local defensive driving program comparable to the Advent Traffic Safety Course may be acceptable. Any request to take an alternative program should be emailed to JohnsoDe@co.chautauqua.ny.us and should include information sufficient for the investigator to verify that the proposed course is comparable to the Advent eLearning Traffic Safety Course. You will then be notified if the course you selected is acceptable.

ELIGIBLE OFFENSES AND CORRESPONDING PLEA OFFER

<u>VTL CHARGE SECTION</u>	<u>PLEA ON CHARGE</u>
<u>Any "100" Section</u>	VTL 1203(b)*
<u>Any "200" Section</u>	VTL 1203(b)
<u>Any "300" Section</u>	VTL 1203(b)
<u>Any "400" Section</u>	VTL 1203(b)
<u>Any "500" (Except Section 511)</u>	VTL 1203(b)
The ONLY section under 511 that has a plea available is 511-a-1.	
511-a-1	VTL 509-1**
<u>Any "600 Section</u>	VTL 1203(b)
<u>Any "1100" Section Except VTL 1174(a), 1180 and 1192</u>	VTL 1203(b)
1174(a) (Passing a School Bus)	VTL 1110-(a)***
1180-(a)	VTL 1203(b)
1180-(b)	
0-20 mph over speed limit	VTL 1203(b)
21-30 mph over speed limit	VTL 1110-(a)
Over 31 mph over speed limit	<u>NO OFFER</u>
1180-(c) (School Zone)	
0-10 mph over speed limit	VTL 1203(b)
10-20 mph over speed limit	VTL 1110-(a)
Over 21 mph over speed limit	<u>NO OFFER</u>
1180-(d)	
0-20 mph over speed limit	VTL 1203(b)
21-30 mph over speed limit	VTL 1110-(a)
Over 31 mph over speed limit	<u>NO OFFER</u>
1180-(e)	VTL 1203(b)
1180-(f) (Work Zone)	
0-10 mph over speed limit	VTL 1203(b)
10-20 mph over speed limit	VTL 1110-(a)
Over 21 mph over speed limit	<u>NO OFFER</u>
1180-(g)	
0-10 mph over speed limit	VTL 1203(b)
10-20 mph over speed limit	VTL 1110-(a)
Over 21 mph over speed limit	<u>NO OFFER</u>

VTL SECTION 1192 (DWI OFFENSES) You MUST come to court. There is no Plea Offer by mail.

<u>CHARGE SECTION</u>	<u>PLEA ON CHARGE</u>
<u>Any "1200" Section (Except VTL 1225 – c or d)</u>	VTL 1203(b)
1225 – c or d	VTL 1110-(a)
<u>Any "1600" Section</u>	VTL 1203(b)
<u>Any "2100" Section (2130)</u>	VTL 1203(b)

Any “2200” Section (2222-2288)
Any “2400” Section (2403-2413)

VTL 1203(b)
VTL 1203(b)

- * VTL 1203(b) is a parking ticket. – No Points are assessed to your license. No Surcharge is Assessed – Potential Fine is \$0 – \$150
- ** 509-1 is “Unlicensed Operator”. – Potential Fine \$0 – \$300
- *** VTL 1110-(a) is “Failed to obey traffic control device”. – Two (2) Points will be assessed to your license. – Potential Fine \$0 – \$150

Chautauqua County District Attorney Traffic Safety Program Application

Please fill out form then print initials and sign in designated places:

Driver's License Number: _____ Driver's License State: _____

First Name: _____ Middle Initial: ____ Last Name: _____

Current Street Address: _____

City: _____ State: _____ Zip Code: _____ Date of Birth: _____

Email Address: _____

Telephone #: _____

Insurance Co. Name: _____ Policy #: _____ Exp. Date: _____

To be eligible to Plea in accordance with this policy I must meet the following requirements:

1. Within the 12 months before this application, I have NOT previously participated in the Chautauqua County Traffic Plea Program.
2. I have not had any Vehicle and Traffic Law Convictions (i.e. point violations) within the last 12 months in any court.
3. If currently charged with a speeding offense, it was for driving 30 miles per hour or less over the posted speed limit or 20 mph or less over the posted speed limit in a school or work zone.
4. There was no motor vehicle accident involving someone other than me.
5. I did not receive more than 3 tickets at the time I was stopped.
6. I have answered and pleaded not guilty to the ticket prior to the return date listed on the ticket
7. I have not missed any scheduled court appearances without prior approval from the court.
8. I have not had my license suspended for failing to answer the ticket I am seeking a plea on.

9. I have not been previously convicted of any Felony, any alcohol or drug related driving offense within the last 10 years.

10. All the tickets in this case are Vehicle and Traffic Law and/or Transportation Law charges (e.g. not Penal Law, Environmental Conservation Law, Tax, etc.)

By initialing _____, I have read and understand the requirements of the Chautauqua County District Attorney's "Traffic Safety Program".

By initialing _____, I agree that failure to respond to any information or giving false or incorrect information in the application is grounds to deny my participation in this program.

By initialing _____, I agree that failure to complete the requirements of the program within 45 days will result the plea offer being rescinded, thereby requiring me to appear in court to answer the ticket as if I never applied for the program.

By initialing _____, I understand that I am responsible for the cost associated with the traffic safety course, in which I will enroll.

It is a crime, punishable as a Class A Misdemeanor under the Laws of New York, for a person, in and by written instrument, to knowingly make a false statement, or to make a statement, which such person does not believe to be true.

AFFIRMED UNDER PENALTY OF PERJURY.

Print Name: _____

Sign Name: _____ Date: _____

Signature of Attorney (if applicable): _____

Chautauqua County District Attorney Traffic Safety Program Plea Form

YOU MUST COMPLETE AND SIGN THIS FORM

People v. _____
Your Name as it appears on your ticket(s)

Village/Town/City Court: _____

I hereby certify the following:

By initialing _____, I understand that I am responsible for any fines resulting from the plea the District Attorney is offering me.

By initialing _____, I understand that I have the right to hire an attorney, but I wish to proceed on my own and hereby waive that right.

By initialing _____, I agree to waive any right under VTL section 1806 to have a conference with the prosecutor.

By initialing _____, I understand I have the right to a trial on these charges. I hereby waive my right to a trial and wish to enter a plea of guilty as stated below.

	<u>VTL CHARGE SECTION</u>	<u>PLEA ON CHARGE</u>
Charge #1	_____	_____
Charge #2	_____	_____
Charge #3	_____	_____
(EXAMPLE 1180(d) – 76 in 65 (11 over)		_____ 1203(b) _____)

It is a crime, punishable as a Class A Misdemeanor under the Laws of New York, for a person, in and by written instrument, to knowingly make a false statement, or to make a statement, which such person does not believe to be true.

AFFIRMED UNDER PENALTY OF PERJURY.

Print Name: _____

Sign Name: _____ Date: _____

Signature of Attorney (if applicable): _____