



CITY OF OLATHE PROSECUTOR'S OFFICE INSURANCE DIVERSION PROGRAM GUIDELINES

I. WHO IS ELIGIBLE FOR DIVERSION:

Defendants may be eligible for the Insurance Diversion Program if they have not been convicted of driving without insurance or have not previously participated in such a diversion program within the last three years. Anyone cited with No Proof of Insurance after causing an injury accident will not be considered for the program. Anyone causing a non-injury accident must provide verification of restitution or a release from the other parties at the diversion sign-in conference. The defendant must have a valid driver's license prior to entering into the Diversion Agreement.

II. COST OF THE PROGRAM:

A total of \$125.00 (\$80.00 diversion fee and \$45.00 court costs) will be due and payable when the defendant signs into the diversion program.

III. TERMS OF THE INSURANCE DIVERSION AGREEMENT

The defendant must purchase two months **pre-paid** insurance **with his/her name on the policy as a listed driver, and provide a "hard copy" of the insurance card on the diversion appointment date. An electronic copy on your phone will not be acceptable. It must be printed off prior to your diversion appointment.** If the defendant is unable to be listed as a driver on an insurance policy, then the defendant may purchase two months **pre-paid** non-owners insurance and provide proof to the Prosecutor's Office on the diversion date. The insurance card must state the names of the insured drivers covered under the policy; the vehicles insured under the policy; the effective date of the policy, and the term of the policy. Every Insurance Diversion Agreement shall be for a minimum period of 6 months and shall not exceed 12 months.

IV. DIVERSION SIGN-IN:

The diversion date is a **mandatory** court date. Failure to appear on a diversion date is the same as failing to appear in court, and may result in a warrant or driver's license suspension. Additional fees will be assessed.

V. DEFENDANT'S RETURN COURT DATE:

The defendant will be assigned a return review date in the Prosecutor's Office at the end of the diversion period. Defendants shall bring a signed letter on their insurers' letterheads stating they have been continuously insured the entire length of the diversion period. If the defendant does not appear, the Prosecutor's Office will attempt to contact the defendant's insurance agent and verify coverage during the diversion period. If there has been a lapse in coverage, coverage is not verified or another violation has occurred, the Prosecutor's Office will file a written Motion to Revoke Insurance Diversion with the Court. The defendant will be served with the Motion to Revoke Insurance Diversion Agreement by mailing said motion to the defendant's last known address as set out in the Diversion Agreement. If the diversion is revoked and the defendant is convicted of having No Proof of Insurance, the defendant shall pay a minimum \$300.00 fine plus costs and face the possibility of up to six months imprisonment and suspension of the defendant's driving privileges. Failure to appear for the Motion to Revoke Insurance Diversion court hearing will result in a warrant being issued for the defendant's arrest.

VI. WHAT HAPPENS AT THE END OF THE DIVERSION:

At the conclusion of the defendant's diversion term, the Prosecutor's Office shall dismiss the No Proof of Insurance charge if the terms of the diversion contract are successfully completed by the defendant.

VII. PENALTIES UPON CONVICTION:

Any person convicted of operating a motor vehicle in this state without valid automobile insurance is guilty of a class B misdemeanor and shall be subject to a fine of not less than \$300.00 nor more than \$1,000.00 and subject to a jail sentence not to exceed six (6) months. Upon a second or subsequent conviction within three years, a person shall be subject to a fine of not less than \$800.00 nor more than \$2,500.00 and subject to a jail sentence not to exceed one (1) year. In addition, any persons convicted of operating a motor vehicle without valid insurance may have their driving privileges or driver's license suspended. See K.S.A. 40-3104.