



**DRIVER COMPLIANCE DIVISION OF THE  
DEPARTMENT OF PUBLIC SAFETY**

“SUSPENSIONS AND WITHDRAWALS”

UNDER THE BAIL BOND PROCEDURE ACT

MAY 2016

# CONTACT INFORMATION

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# CONTACT INFORMATION

BAIL BOND HELP LINE –

[dcbailbondhelp@dps.state.ok.us](mailto:dcbailbondhelp@dps.state.ok.us)

FAX NUMBER –

405-425-2061 OR 405-425-2321

PUBLIC USE NUMBERS –

405-425-2059 OR 405-425-2098

# SUSPENSION FOR FAILURE TO APPEAR

22 O.S. Section 1115.1 and Section 1115.5

When a person is released on their personal recognizance and fails to appear in court or otherwise satisfy the citation.

**Must be a moving violation.** Court must notify DPS within **120 days** of the date on the citation. This includes weekends and holidays.

DPS mails these Notices of Suspension to violators every Wednesday, except weeks with holidays.

**VIOLATOR WILL BE UNDER SUSPENSION WHEN NOTICES ARE MAILED.**

# THINGS TO REMEMBER

- When filling out the suspension notice, please include the following:

- ❖ The complete name:

First name, middle name or initial, last name including any suffixes such as Jr, Sr, or III

- ❖ The complete address:

Including any apartment number, lot number or suite number and zip code

# THINGS TO REMEMBER ABOUT FAILURE TO APPEAR SUSPENSIONS

Because the violator is not statutorily eligible to be released on personal recognizance Title 22 O.S. Section 1115.1 (A)(4), DPS cannot take Failure to Appear action on the following violations:

- ❖ Felony
- ❖ Driving Under Suspension, Revocation, Cancellation or Denial
- ❖ Driving Under the Influence
- ❖ Driving While Intoxicated
- ❖ Public Intoxication
- ❖ Actual Physical Control
- ❖ Negligent Homicide
- ❖ Eluding or Attempting to Elude an Officer

# ADDITIONAL THINGS TO REMEMBER ABOUT FAILURE TO APPEAR SUSPENSIONS

Because the violations listed below are not traffic or moving violations, DPS can not take Failure to Appear action on the following:

- ❖ Fishing Offense
- ❖ Boating Offense
- ❖ Improper Parking on Roadway
- ❖ Parking Violations
- ❖ Standing Violations
- ❖ Disturbing the Peace

# COURT CLERK ATTESTATION OR CERTIFICATION

- If DPS is unable to determine from your description of the violation whether or not said violation is a misdemeanor violation of a state traffic law or municipal traffic ordinance, DPS will return the suspension notice with a copy of the Attestation or Certification Form for the clerk to fill out and return to DPS with the suspension notice.

# ADDITIONAL INFO RE: COURT CLERK ATTESTATION OR CERTIFICATION FORM

Examples of violations:

Misdemeanor drug charges

Illegal possession of alcohol in vehicle

Minor in possession of intoxicating beverage

Minor in possession of low point beer

These may or may not be a misdemeanor violation of a state traffic law or municipal traffic ordinance, hence the new form.

The suspension notice and a completed Attestation or Certification form must be received within the 120 days of the date of violation.

# FINAL THINGS TO REMEMBER ABOUT FAILURE TO APPEAR SUSPENSIONS

- ❖ DPS can only suspend on the driver of the vehicle. For example if the passenger in the vehicle is not wearing their seat belt and received a citation, DPS can not suspend their driving privileges.
- ❖ An exception would be if the driver received a citation for a child not wearing their seat belt.

# 999 and 994 NUMBERS

If the purported driver license number on the citation starts with a 999 or 994, this is a number for an Oklahoma Identification Card. DPS cannot suspend a violator who does not possess a valid driver license.

# 990 NUMBERS

- If the purported driver license number on the citation starts with a 990, this is a set up number assigned to the violator for creating a Oklahoma driving record.
- The arrested person has been issued a valid license to operated a motor vehicle by this state, another state jurisdiction within the United States, which is a participant in the Nonresident Violator Compact.

# ADDITIONAL INFO RE: 990 NUMBERS

To take action for a Failure to Appear, the person **MUST** have been issued a Driver License in Oklahoma or any other state.

To take action for a Failure to Pay, the person **DOES NOT HAVE** to have been issued a Driver License.

# NON-MEMBER STATES

- ❖ ALASKA
- ❖ CALIFORNIA
- ❖ MICHIGAN
- ❖ MONTANA
- ❖ OREGON
- ❖ WISCONSIN

These six (6) states are not part of the Nonresident Violator Compact (NRVC). DPS cannot send suspension notices to these home states. DPS will suspend in Oklahoma and will issue a set up number creating an Oklahoma driving record.

If they try to renew their driver license or apply for a license in another state, the NDR (National Driver Registry) or the CDLIS (Commercial Driver License Information System ) would prevent them from obtaining a new driver license until they clear up the Oklahoma action.

# OUT OF STATE VIOLATORS THAT ACTION IS TAKEN HERE IN OKLAHOMA

If an Out of State Driver fails to appear on the following violations :

- ❖ Tag Violations
- ❖ Driver License Violations
- ❖ Seat Belt Violations
- ❖ Size and Weight Violations

DPS will suspend their driving privileges in Oklahoma and will issue a set up number creating an Oklahoma driving record.

However, these violations will not be sent to the home states.

# WITHDRAWAL OF SUSPENSION FAILURE TO APPEAR

If for any reason the court needs to withdraw the court requested suspension for failure to appear, DPS will need a letter on court letterhead asking us to withdraw the suspension according to Title 22 O.S. Section 1115.1E2.

The letter should contain:

- ❖ Name
- ❖ Driver license number
- ❖ State the driver is licensed in
- ❖ Date of birth
- ❖ Case number
- ❖ Reason for the withdrawal

# SUSPENSION FOR FAILURE TO APPEAR - NO INSURANCE

22 O.S. Section 1115.1 and 47 O.S. Section 7-605  
Same as Failure to Appear, but the citation is for  
No Insurance.

DPS mails the Notices of Suspension every  
**MONDAY.**

**SUSPENSIONS ARE EFFECTIVE UPON MAILING.**

# THINGS TO REMEMBER

## FAILURE TO APPEAR SUSPENSIONS - NO INSURANCE

- ❖ If an Insurance Suspension is coupled with any other suspension requests, DPS will return the other suspension requests. Action will only be taken by DPS on the No Insurance Suspension.
- ❖ No Insurance Suspension - This is the **only suspension** where an **Order of Dismissal** from the court will cause the removal of DPS' suspension action from the driving record.
- ❖ The violator will have to show DPS proof of insurance in their name or non-owners insurance before they can reinstate their driving privilege with DPS.

# NONRESIDENT VIOLATOR COMPACT (NRVC)

22 O. S. Section 1115.5

An Out of State Driver fails to appear in an Oklahoma Court. DPS mails the Suspension Notices to the home state each **FRIDAY**.

Except for the violations discussed earlier, such as tag violations, driver license violations, seat belt violations and size and weight violations, **the home state suspends and the violator will have to comply with the home state's conditions for reinstatement.**

# NONPAYMENT OF FINE AND COSTS SUSPENSION

47 O.S. Section 6-206(c)

When a person has been found guilty or has entered a plea of guilty, but fails to pay all fines and costs to the court.

DPS mails these Suspensions every THURSDAY.

**SUSPENSION WILL NOT BE EFFECTIVE UNTIL 10 DAYS AFTER  
THE DATE DPS MAILES NOTICE.**

**THE VIOLATOR WILL HAVE TO PAY THE REINSTATEMENT FEE  
ONCE THE SUSPENSION ORDER HAS BEEN MAILED.**

# THINGS TO REMEMBER ABOUT FAILURE TO PAY FINE AND COSTS SUSPENSION ACTIONS

- ❖ On a suspension based on Nonpayment of Fine and Costs, the court has **120 days** to submit a suspension request to DPS from the **date the violator was told by the court to make payment**. The request for suspension by the court could be as a result of the failure of the violator to make payment, the violator tendering an insufficient check, or the violator's failure to pay court costs.
- ❖ As opposed to Failure to Appear Suspension actions, as long as the violation is not a standing or parking violation, DPS is allowed to take action on nonpayment of fine and costs based on violations such as driving under suspension or revocation, driving under the influence, actual physical control, transporting an open container and attempting to elude.
- ❖ **DPS does not send nonpayment suspensions to the violators home state**. DPS will take suspension action in Oklahoma. If the violator does not have a Oklahoma driver license number, a set up number is assigned and an Oklahoma driving record is created for the violator.

# THINGS TO REMEMBER

It is very important when filling out the Failure to Pay Fine and Cost form that the following information is complete:

First name, middle name or initial, last name including any suffixes such as Jr, Sr, III

Addresses including any apartment number, lot number or suite number and zip code.

# WITHDRAWAL OF SUSPENSION FOR FAILURE TO PAY FINE AND COST

If for any reason the court needs to withdraw the suspension, DPS will need a letter on court letterhead asking us to withdraw the notice according to **Title 47**.

The letter should contain:

- ❖ Name
- ❖ Date of birth
- ❖ Driver license number
- ❖ What state the driver is licensed in
- ❖ Case number
- ❖ Reason for the withdrawal

# FAILURE TO SATISFY SENTENCE OF THE MUNICIPAL COURT SUSPENSION

11 O.S. Section 14-112(B)

When a juvenile (person under 18) has been found guilty or has entered a plea of guilty and fails or refuses to satisfy the sentence of the municipal court.

DPS mails these Suspensions every **THURSDAY.**

**SUSPENSIONS ARE EFFECTIVE UPON MAILING.**

# THINGS TO REMEMBER ABOUT FAILURE TO SATISFY THE SENTENCE OF THE COURT SUSPENSIONS

- ❖ The violator has to be **under 18 years of age**.
- ❖ The sentence can be monetary.
- ❖ The violation **does not** have to be in a motor vehicle.
- ❖ The Failure to Satisfy the Sentence of the Court Suspension can be for numerous violations.

# ADDITIONAL NOTES

- ❖ Driver Compliance will **not suspend** for Failure to Appear if any request for suspension is submitted and coupled with one of the ineligible violations listed on pages 6 .
- ❖ When Driver Compliance **cannot process** a suspension notice, DPS will mail the notice back to the court with a cover sheet explaining why DPS cannot take action.
- ❖ The Oklahoma Motor Vehicle Violation Code Book is located on the DPS public website at <http://www.dps.ok.gov>. On the website go to “Services”, then to “Court Clerk Information”, then to “OK Motor Vehicle Violation Codes”.

# ADDITIONAL NOTES

- ❖ You can refer to the Motor Vehicle Violation Code Book on the DPS website for a complete list of violations that DPS will suspend based on Failure To Appear or Failure to Pay.
- ❖ The “Procedures for Bail Bond Suspensions and Withdrawals” is also on the DPS public website.  
[www.dps.state.ok.us](http://www.dps.state.ok.us)
- ❖ The Driver Compliance e-mail help line for Bail Bond problems can be found at:  
[dcbailbondhelp@dps.state.ok.us](mailto:dcbailbondhelp@dps.state.ok.us)