

**OKLAHOMA DEPARTMENT
OF PUBLIC SAFETY**



**DRIVER COMPLIANCE
RELEVANT BAIL BOND LAWS**

MAY 2013

RELEVANT BAIL BOND LAWS

State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act

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Title 22. Criminal Procedure

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Title 22. Criminal Procedure

Chapter 19 - Bail

State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act

Section 1115 - Short Title - Applicability

Cite as: O.S. §, ___

Sections 1115 through 1115.5 of this title shall be known and may be cited as the "State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act". The provisions of the State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act shall not apply to parking or standing traffic violations.

Historical Data

Added by Laws 1986, c. 250, § 1, eff. July 1, 1987; Amended by Laws 2005, HB 1502, c. 190, § 4, eff. September 1, 2005 (superseded document available).

Citationizer® Summary of Documents Citing This Document

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<u>2004 OK AG 17,</u>	<u>Question Submitted by: The Honorable Charlie Laster, State Senator,</u>	Cited
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<u>2008 OK 99, 203 P.3d 173,</u>	<u>SPEIGHT v. PRESLEY</u>	Cited
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Title 22. Criminal Procedure

Chapter 19 - Bail

State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act

Section 1115.1 - Personal Recognizance - Eligibility-Procedure - Plea - Failure to Appear

Cite as: O.S. §, ___

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance, shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, which is a participant in the Nonresident Violator Compact or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician; and

4. The violation does not constitute:

a. a felony, or

b. negligent homicide, or

c. driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician, or

d. eluding or attempting to elude a law enforcement officer, or

e. operating a motor vehicle without having been issued a valid driver license, or while the driving privilege and driver license is under suspension, revocation, denial or cancellation, or

f. an arrest based upon an outstanding warrant, or

g. a traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph.

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:

1. Designate the traffic charge;

2. Record information from the arrested person's driver license on the citation form, including the name, address, date of birth, personal description, type of driver license, driver license number, issuing state, and expiration date;

3. Record the motor vehicle make, model and tag information;
4. Record the date and time on the citation on which, or before which, the arrested person promises to contact, pay, or appear at the court, as applicable to the court; and
5. Permit the arrested person to sign a written promise to contact, pay, or appear at the court, as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driving privilege and driver license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or the attorney for that person. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time. Provided, however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection D of this section.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before the defendant is required to appear for arraignment by indicating such plea on the copy of the citation furnished to the defendant or on a legible copy thereof, together with the date of the plea and signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate court clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in an amount prescribed as bail for the offense. Provided, however, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be:

1. As prescribed in Section 1115.3 of this title as bail for the violation; or
2. In case of a municipal violation, as prescribed by municipal ordinance for the violation charged; or
3. In the absence of such law or ordinance, then as prescribed by the court.

E. 1. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the Department of Public Safety that:

- a. the defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation,
- b. the defendant has failed to appear for arraignment without good cause shown,
- c. the defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation, and
- d. the citation has not been satisfied as provided by law.

Additionally, the court clerk shall request the Department of Public Safety to either suspend the defendant's driving privilege and driver license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driving privilege and driver license in accordance with the provisions of

the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the Department of Public Safety.

2. The court clerk shall not process the notification and request provided for in paragraph 1 of this subsection if, with respect to such charges:

- a. the defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case, or
- b. the defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment, or
- c. the violation relates to parking or standing, or
- d. a period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. Following receipt of the notice and request from the court clerk for driving privilege and driver license suspension as provided for in subsection E of this section, the Department of Public Safety shall proceed as provided for in Section 1115.5 of this title.

G. The municipal or district court clerk shall maintain a record of each request for driving privilege and driver license suspension submitted to the Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall, in all other cases, notify the Department, of the resolution of the case. The form of proof and the procedures for notification shall be approved by the Department of Public Safety. Provided, however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the State of Oklahoma or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

Historical Data

Added by Laws 1986, HB 1945, c. 250, § 2, emerg. eff. July 1, 1987; Amended by Laws 1990, SB 693, c. 203, § 1, emerg. eff. May 10, 1990; Amended by Laws 1995, SB 119, c. 193, § 4, emerg. eff. July 1, 1995; Amended by Laws 1995, SB 127, c. 313, § 9, emerg. eff. July 1, 1995; Amended by Laws 1997, HB 1053, c. 193, § 4, eff. November 1, 1997 ([superseded document available](#)); Amended by Laws 2006, HB 2771, c. 204, § 3, eff. November 1, 2006 ([superseded document available](#)).

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Cite	Name	Level
2007 OK AG 29,	Question Submitted by: The Honorable Ken Luttrell, State Representative, District 37	Discussed at Length
Oklahoma Supreme Court Cases		
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2008 OK 99, 203 P.3d 173,	SPEIGHT v. PRESLEY	Cited
Title 11. Cities and Towns		
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<u>11 O.S. 27-117.1,</u>	<u>Release upon Personal Recognizance</u>	Discussed
<u>11 O.S. 28-114.1,</u>	<u>State and Municipal Traffic Bail Bond Procedure Act Applied to Releases on Personal Recognizances</u>	Cited

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<u>22 O.S. 1115.5,</u>	<u>Duties of the Department of Public Safety Regarding Driving Privilege Suspensions</u>	Cited

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<u>22 O.S. 1115.1,</u>	<u>Personal Recognizance - Eligibility - Procedure - Plea - Failure to Appear</u>	Cited



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Title 22. Criminal Procedure

Section 1115.1A - Release Upon Personal Recognizance for Misdemeanor Traffic Violations - Citation Requirements - Failure to Plea or Appear - Records

Cite as: 22 O.S. § 1115.1A (OSCN 2013)

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance, shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, which is a participant in the Nonresident Violator Compact or any party jurisdiction of the Nonresident Violator Compact;
2. The arresting officer is satisfied as to the identity of the arrested person and certifies the date and time and the location of the violation, as evidenced by the electronic signature of the officer;
3. The arrested person acknowledges, as evidenced by the electronic signature of the person, a written promise to appear as provided for on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician; and
4. The violation does not constitute:
 - a. a felony,
 - b. negligent homicide,
 - c. driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician,
 - d. eluding or attempting to elude a law enforcement officer,
 - e. operating a motor vehicle without having been issued a valid driver license or while the driving privilege and driver license is under suspension, revocation, denial or cancellation,
 - f. an arrest based upon an outstanding warrant, or
 - g. a traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph.

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall on the citation:

1. Designate the traffic charge;
2. Record information from the driver license of the arrested person on the citation form, including the name,

address, date of birth, physical description, type of driver license, driver license number, issuing state, and expiration date;

3. Record the motor vehicle make, model and tag information;

4. Record the date and time on which, or before which, the arrested person promises, as evidenced by the electronic signature of the person, to contact, pay, or appear at the court, as applicable to the court;

5. Record the electronic signature of the arrested person which shall serve as evidence and acknowledgment of a promise to contact, pay, or appear at the court, as provided for in the citation; and

6. Record the electronic signature of the arrested person which shall serve as evidence to certify the date and time and the location that the arrested person was served with a copy of the citation and notice to appear,

after which, the arresting officer shall then release the person upon personal recognizance based upon the acknowledged promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon an acknowledged promise to appear, as evidenced by the electronic signature of the person, for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the driving privilege and driver license of the arrested person in this state, or in the home state of the nonresident pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment at the discretion of the court or upon request of the arrested person or the attorney for that person. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and acknowledged promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and electronically signed by the defendant. An arraignment may be continued or rescheduled more than one time. Provided, however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection D of this section.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before the defendant is required to appear for arraignment by indicating such plea on the copy of the citation furnished to the defendant or on a legible copy, together with the date of the plea and signature of the defendant. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate court clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in an amount prescribed as bail for the offense. Provided, however, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be:

1. As prescribed in Section 1115.3 of Title 22 of the Oklahoma Statutes as bail for the violation;

2. In case of a municipal violation, as prescribed by municipal ordinance for the violation charged; or

3. In the absence of such law or ordinance, then as prescribed by the court.

E. 1. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant. The municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the Department of Public Safety that:

a. the defendant was issued a traffic citation and released upon personal recognizance after acknowledging a written promise to appear for arraignment as provided for in the citation,

b. the defendant has failed to appear for arraignment without good cause shown,

c. the defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation, and

d. the citation has not been satisfied as provided by law.

Additionally, the court clerk shall request the Department of Public Safety to either suspend the driving privilege and driver license of the defendant to operate a motor vehicle in this state, or notify the home state of the defendant and request suspension of the driving privilege and driver license of the defendant in accordance with the provisions of the Nonresident Violator Compact. The notice and request shall be on a form approved or furnished by the Department of Public Safety.

2. The court clerk shall not process the notification and request provided for in paragraph 1 of this subsection if, with respect to such charges:

a. the defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case,

b. the defendant was not released upon personal recognizance upon an acknowledged written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment,

c. the violation relates to parking or standing, or

d. a period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. Following receipt of the notice and request from the court clerk for driving privilege and driver license suspension as provided for in subsection E of this section, the Department of Public Safety shall proceed as provided for in Section 1115.5 of Title 22 of the Oklahoma Statutes.

G. The municipal or district court clerk shall maintain a record of each request for driving privilege and driver license suspension submitted to the Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to the defendant, if the defendant personally appears, or shall mail such proof by first-class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall, in all other cases, notify the Department of the resolution of the case. The form of proof and the procedures for notification shall be approved by the Department of Public Safety. Provided however, failure by the court or court clerk to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the State of Oklahoma or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled to such proof or notice upon request.

H. For purposes of this section, "electronic signature" shall have the same meaning as defined in Section 15-102 of Title 12A of the Oklahoma Statutes.

Historical Data

Added by Laws 2009, HB 1674, c. 84, § 1, eff. November 1, 2009.

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Title 22. Criminal Procedure

Chapter 19 - Bail

State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act

Section 1115.2 - Personal Recognizance Following Failure to Appear After Release on Personal Recognizance - Refusal to Promise to Appear - Juveniles

Cite as: O.S. §, ___

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 1115.1 of this title, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed as follows:

1. If for a state traffic violation, as provided for in Section 1108 of this title; or
2. If for a violation filed in a municipal court not of record, as provided for in Section 27-118 of Title 11 of the Oklahoma Statutes; or
3. If for a violation filed in a municipal court of record, as provided for in Section 28-127 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 1115.1 of this title, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be placed in the custody of the appropriate municipal or county jailor or custodian, to be held until a magistrate is available or bail is posted as provided for in Section 1115.3 of this title or as otherwise provided for by law or ordinance.

C. 1. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender. Provided however, the arresting officer shall not be required to:

- a. place a juvenile into custody as provided for in this section, or
- b. place any other traffic offender into custody:
 - (1) who is injured, disabled, or otherwise incapacitated, or
 - (2) if custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care, or
 - (3) if extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date and time on the citation by which, or on which, the person shall appear or contact the court, as applicable to the court, and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.

2. The provisions of this subsection shall not be construed to:

a. create any duty on the part of the officer to release a person from custody, or

b. create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection, or

c. create any liability upon any officer, or the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection.

Historical Data

Added by Laws 1986, HB 1945, c. 250, § 3, emerg. eff. July 1, 1987; Amended by Laws 2006, HB 2771, c. 204, § 4, eff. November 1, 2006 (superseded document available).

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Cite Name	Level	
Oklahoma Attorney General's Opinions		
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<u>2004 OK AG 17,</u>	<u>Question Submitted by: The Honorable Charlie Laster, State Senator, District No. 17</u>	Discussed
Oklahoma Court of Civil Appeals Cases		
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<u>1995 OK CIV APP 34, 892 P.2d 671, 66 OBJ 1251,</u>	<u>Osteopathic Hosp. Founders Ass'n v. Oklahoma Dept. of Public Safety Through Oklahoma Highway Patrol Dept.</u>	Cited
Title 22. Criminal Procedure		
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<u>22 O.S. 1115.3,</u>	<u>Bail for Traffic, Wildlife, or Water Safety-Related Offenses - Schedules - Forms of Bail Accepted</u>	Discussed

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<u>22 O.S. 1115.2,</u>	<u>Personal Recognizance Following Failure to Appear After Release on Personal Recognizance - Refusal to Promise to Appear - Juveniles</u>	Cited



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Title 22. Criminal Procedure

Section 1115.2B - When Person May be Arrested or Taken Into Custody - Procedures - Juveniles

Cite as: 22 O.S. § 1115.2B (OSCN 2013)

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 1 of this act, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the arrest of the person and the case shall be processed as follows:

1. If for a state traffic violation, as provided for in Section 1108 of Title 22 of the Oklahoma Statutes;
2. If for a violation filed in a municipal court not of record, as provided for in Section 27-118 of Title 11 of the Oklahoma Statutes; or
3. If for a violation filed in a municipal court of record, as provided for in Section 28-127 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 1 of this act, or if eligible but refuses to acknowledge a written promise to appear, as evidenced by the electronic signature of the person, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be:

1. Placed in the custody of the appropriate municipal or county jailor or custodian, to be held until a magistrate is available or bail is posted as provided for in Section 1115.4 of Title 22 of the Oklahoma Statutes;
2. Released upon personal recognizance by the arresting officer as provided in subsection A of Section 1 of this act; or
3. Processed as otherwise provided for by law or ordinance.

C. 1. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender. Provided however, the arresting officer shall not be required to:

- a. place a juvenile into custody as provided for in this section,
- b. place any other traffic offender into custody:

(1) who is injured, disabled, or otherwise incapacitated,

(2) if custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care, or

(3) if extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may record the date and time on the citation by which, or on which, the person shall appear or contact the court, as applicable to the court, and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the arrest of the person.

2. The provisions of this subsection shall not be construed to:

a. create any duty on the part of the officer to release a person from custody,

b. create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection, or

c. create any liability upon any officer, or the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection.

Historical Data

Added by Laws 2009, HB 1674, c. 84, § 2, eff. November 1, 2009.

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Chapter 19 - Bail

State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act

Section 1115.3 - Bail for Traffic, Wildlife, or Water Safety-Related Offenses - Schedules - Forms of Bail Accepted

Cite as: O.S. §, ___

- A. The court shall prescribe the amount of bail for the following state traffic-related offenses:
 - 1. Any felony;
 - 2. Negligent homicide;
 - 3. Driving or being in actual physical control of a motor vehicle while impaired by or under the influence of alcohol or other intoxicating substances;
 - 4. Eluding or attempting to elude a law enforcement officer;
 - 5. Driving while license is under suspension, revocation, denial or cancellation;
 - 6. Failure to stop or remain at the scene of an accident; and
 - 7. Any other traffic violation for which a defendant is delivered to the judge of the court as magistrate pursuant to the provisions of Section 1115.2 of this title, or other law.
- B. The amount of bail for an overweight offense shall be the amount of fine and costs, including any penalty assessment provided for in the Oklahoma Statutes and the fees provided for in Sections 1313.2, 1313.3, 1313.4 and 1313.5 of Title 20 of the Oklahoma Statutes.
- C. The amount of bail for other state traffic-related offenses shall be the amount of fine and costs including any penalty assessments provided for in the Oklahoma Statutes and the fees provided for in Sections 1313.2, 1313.3, 1313.4 and 1313.5 of Title 20 of the Oklahoma Statutes.
- D. The amount of bail for a state wildlife-related or water safety-related offense shall be the amount of fine and costs including any penalty assessment provided for in the Oklahoma Statutes and the fees provided for in Sections 1313.2, 1313.3, 1313.4 and 1313.5 of Title 20 of the Oklahoma Statutes.
- E. On or before September 1 of each year, the Administrative Office of the Courts shall prepare a schedule of amounts to be received as bail for each offense pursuant to subsections A, B, C and D of this section and shall distribute the schedule to the Department of Public Safety, each district court clerk in this state and to other interested parties upon request.
- F. The district court clerk, unless otherwise directed by the court, shall accept bail or the payment of a fine and costs in the form of currency or personal, cashier's, traveler's, certified or guaranteed bank check, or postal or commercial money order for the amount prescribed in this section for bail.

G. The district court clerk shall accept as bail a guaranteed arrest bond certificate issued by a surety company, an automobile club or trucking association, if:

1. the issuer is authorized to do business in this state by the State Insurance Commissioner;
2. the certificate is issued to and signed by the arrested person;
3. the certificate contains a printed statement that appearance of such person is guaranteed and the issuer, in the event of failure of such person to appear in court at the time of trial, will pay any fine or forfeiture imposed; and
4. the limit provided on the certificate equals or exceeds the amount of bail provided for in this section.

Historical Data

Added by Laws 1986, HB 1945, c. 250, § 4, emerg. eff. July 1, 1987; Amended by Laws 1987, SB 65, c. 181, § 8, emerg. eff. July 1, 1987; Amended by Laws 1989, SB 175, c. 33, § 1, emerg. eff. April 4, 1989; Amended by Laws 1990, HB 1766, c. 142, § 2, emerg. eff. July 1, 1990; Amended by Laws 1990, HB 2216, c. 282, § 2, emerg. eff. July 1, 1990; Amended by Laws 2006, HB 2771, c. 204, § 5, eff. November 1, 2006 (superseded document available).

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Title 22. Criminal Procedure

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Title 22. Criminal Procedure

Chapter 19 - Bail

State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act

Section 1115.4 - Dishonored Checks - Court Clerk Not Liable - Deemed Nonpayment of Bail -

Bench Warrant Issued

Cite as: O.S. §, ___

A. In any case where a municipal court clerk or district court clerk accepts any personal check or other form of a negotiable instrument from the arrestee or from any person acting for or on his behalf in payment of a fine or as bail for his appearance for arraignment, trial or a hearing, and said check or instrument proves to be on a closed account or is insufficient, false, bogus, a forgery, or otherwise dishonored for any reason, the court clerk shall not be civilly liable personally, or upon his official bond for the amount of such instrument or for the amount of the fine imposed in the case, or criminally liable therefor.

B. A personal check or other instrument tendered to a municipal court clerk or district court clerk for bail or for the payment of fine and costs, if dishonored and returned to said clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified.

Historical Data

Added by Laws 1986, c. 250, § 5, operative July 1, 1987.

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 **Oklahoma Statutes Citationized**

 **Title 22. Criminal Procedure**

 **Chapter 19 - Bail**

 **State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act**

 **Section 1115.5 - Duties of the Department of Public Safety Regarding Driving Privilege**

Suspensions

Cite as: O.S. §, ____

A. 1. Following receipt of notification and a request for driving privilege suspension from a municipal or district court clerk as provided for in Section 1115.1 of this title or Section 1 of this act, the Department of Public Safety shall:

- a. suspend the privilege of the person to operate a motor vehicle in this state; or
- b. request suspension of the driving privilege of the person in the state which issued the license as provided by the Nonresident Violator Compact.

A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon meeting the requirements of subsection C of this section.

2. The Department of Public Safety may decline to initiate such suspension action if the request is discovered to be improper or questionable.

3. The Department shall not be required to issue more than one suspension of the driving privilege of a person in the event multiple requests for suspensions are received from a court clerk based upon the failure of the person to appear at a particular time and date on multiple charges.

B. Following receipt of a request from another jurisdiction for the suspension of the driving privilege of an Oklahoma resident as provided by the Nonresident Violator Compact, the Department of Public Safety, if the request appears to be valid, shall initiate suspension of the privilege of the person to operate a motor vehicle in this state. If suspended, such suspension shall remain in effect until the person meets the requirements of subsection C of this section.

C. 1. A person whose license is subject to suspension in this state pursuant to the provisions of this section may avoid the effective date of suspension, or if suspended in this state, shall be eligible for reinstatement, if otherwise eligible, upon:

- a. making application therefore to the Department of Public Safety, and
- b. showing proof from the court or court clerk that the person has entered an appearance in the case which was the basis for the suspension action and was released by the court as provided for by the Nonresident Violator Compact or consistent provisions, and
- c. submitting with the application the fees, as provided for in Section 6-212 of Title 47 of the Oklahoma Statutes. The fees shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury;

2. Upon reinstatement, the Department of Public Safety may remove any record of the suspension and reinstatement as provided for in this section from the file of the individual licensee and maintain an internal record of the suspension and reinstatement for fiscal and other purposes.

D. Any person whose driving privilege is suspended or subject to suspension in this state pursuant to the provisions of this section, at any time, may informally present specific reasons or documentation to the Department of Public Safety to show that such suspension may be unwarranted. The Department of Public Safety may stay the suspension or suspension action pending receipt of further information or documentation from the person or from the jurisdiction requesting such suspension, or pending review of the record, or other inquiry. If the Department of Public Safety determines the suspension is unwarranted, the suspension action shall be withdrawn or vacated without the requirement of a processing fee and a reinstatement fee and the Department of Public Safety shall accordingly notify the jurisdiction which requested the suspension. If, however, the request for suspension appears valid, the Department of Public Safety shall proceed with suspension of the driving privilege of the person and the person shall have the right to appeal as provided for by Section 6-211 of Title 47 of the Oklahoma Statutes. Provided, however, the court shall not consider modification, but shall either sustain or vacate the order of suspension of the Department of Public Safety based upon the records on file with the Department of Public Safety, the law and other relevant evidence.

Historical Data

Added by Laws 1986, HB 1945, c. 250, § 6, emerg. eff. July 1, 1987; Amended by Laws 1987, c. 205, HB 1133, § 66, emerg. eff. July 1, 1987; Amended by Laws 1994, SB 1003, c. 218, § 11, emerg. eff. April 1, 1995; Amended by Laws 2003, SB 704, c. 392, § 1, emerg. eff. July 1, 2003 ([superseded document available](#)); Amended by Laws 2009, HB 1674, c. 84, § 3, eff. November 1, 2009 ([superseded document available](#)).

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Title 22. Criminal Procedure

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Title 22. Criminal Procedure

Chapter 16 - Judgment and Execution

General Provisions

Section 983 - Failure to Pay Fines or Costs - Imprisonment or Suspension of License - Inability to Pay - Hearing - Rules

Cite as: O.S. §, ___

A. Any defendant found guilty of an offense in any court of this state may be imprisoned for nonpayment of the fine, cost, fee, or assessment when the trial court finds after notice and hearing that the defendant is financially able but refuses or neglects to pay the fine, cost, fee, or assessment. A sentence to pay a fine, cost, fee, or assessment may be converted into a jail sentence only after a hearing and a judicial determination, memorialized of record, that the defendant is able to satisfy the fine, cost, fee, or assessment by payment, but refuses or neglects so to do.

B. After a judicial determination that the defendant is able to pay the fine, cost, fee, or assessment in installments, the court may order the fine, cost, fee, or assessment to be paid in installments and shall set the amount and date for each installment.

C. In addition, the district court or municipal court, within one hundred twenty (120) days from the date upon which the person was originally ordered to make payment, may send notice of nonpayment of any court ordered fine and costs for a moving traffic violation to the Department of Public Safety with a recommendation of suspension of driving privileges of the defendant until the total amount of any fine and costs has been paid. Upon receipt of payment of the total amount of the fine and costs for the moving traffic violation, the court shall send notice thereof to the Department, if a nonpayment notice was sent as provided for in this subsection. Notices sent to the Department shall be on forms or by a method approved by the Department.

D. The Court of Criminal Appeals shall implement procedures and rules for methods of payment of fines, costs, fees, and assessments by indigents, which procedures and rules shall be distributed to all district courts and municipal courts by the Administrative Office of the Courts.

Historical Data

Amended by Laws 1990, HB 1727, c. 259, § 3, eff. September 1, 1990; Amended by Laws 1991, HB 1612, c. 238, § 34, emerg. eff. July 1, 1991; Amended by Laws 1999, HB 1623, c. 359, § 6, eff. November 1, 1999 (superseded document available); Amended by Laws 2000, SB 884, c. 159, § 1, emerg. eff. April 28, 2000 (superseded document available); Amended by Laws 2000, SB 1421, c. 323, § 2, emerg. eff. June 5, 2000 (superseded document available).

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<u>1988 OK CR 173, 761 P.2d 863,</u>	<u>McGEE v. CITY OF OKLAHOMA CITY</u>	Cited
<u>1988 OK CR 260, 764 P.2d 1358,</u>	<u>LAYMAN v. STATE</u>	Discussed at Length
<u>1994 OK CR 6, 868 P.2d 738,</u>	<u>STATE v. BALLARD</u>	Cited
<u>1979 OK CR 10, 594 P.2d 771,</u>	<u>BURKS v. STATE</u>	Cited
<u>1972 OK CR 74, 495 P.2d 119,</u>	<u>RUTLEDGE v. TURNER</u>	Discussed

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<u>1987 OK 74, 742 P.2d 1117, 58 OBJ 2238,</u>	<u>Petuskey v. Cannon</u>	Cited
<u>1995 OK 125, 907 P.2d 1055, 66 OBJ 3562,</u>	<u>Webb v. Maynard</u>	Discussed

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<u>2000 O.S.L. 159, 2000 O.S.L. 159,</u>	<u>[SB 884] - An Act relating to courts; amending 22 O.S. 1991, Section 983, (22 O.S. Supp. 1999, Section 983), which relates to the failure to pay fines, costs and fees; stating time period in which the court may send notice of nonpayment to the Department of Public Safety, etc.</u>	Discussed at Length

Title 22. Criminal Procedure

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<u>22 O.S. Rule 8.1,</u>	<u>Judicial Hearings</u>	Cited
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Title 47. Motor Vehicles

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Title 47. Motor Vehicles

Chapter 6 - Driver Licenses

Article Article 2 - Cancellation, Suspension, or Revocation of Licenses

Section 6-206 - Authority of Department to Suspend License

Cite as: O.S. §. ___

A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed under Section 1-101 et seq. of this title, or any other act or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways, such court shall make immediate report to the Department of Public Safety setting forth the name of the offender, the number of the driver license and the penalty imposed. Said report shall be submitted by the judge or the clerk of the court upon forms furnished or approved by the Department.

B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driving privilege of such person for such period of time as in its judgment is justified from the records of such conviction together with the records and reports on file in the Department, subject to the limitations provided in Section 6-208 of this title. Any action taken by the Department shall be in addition to the penalty imposed by the court.

C. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, the Department shall suspend the driving privilege of the named person after giving notice as provided in Section 2-116 of this title. A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon:

1. Making application to the Department of Public Safety;
2. Showing proof of payment of the total amount of the fine and cost or a release from the court or court clerk; and
3. Submitting the processing and reinstatement fees, as provided for in Section 6-212 of this title.

Provided, however, in cases of extreme and unusual hardship, as determined by the court, the person shall be placed on a payment plan by the court, and the court shall send a release to the Department for reinstatement purposes. The court may submit another suspension request pursuant to this section if the person fails to honor the payment plan. In such case, the Department shall again suspend the person's driving privilege for nonpayment of fine and costs for the same moving traffic violation. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation the Department may remove such record of suspension from the person's driving record and retain an internal record for audit purposes.

D. Upon the receipt of a record of conviction for eluding or attempting to elude a peace officer, the Department of Public Safety shall suspend the driving privilege of the person:

1. For the first conviction as indicated on the driving record of the person, for a period of six (6) months;
2. For the second conviction as indicated on the driving record of the person, for a period of one (1) year. Such

period shall not be modified; and

3. For the third or subsequent conviction as indicated on the driving record of the person, for a period of three (3) years. Such period shall not be modified.

E. Any person whose driving privilege is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

Historical Data

Amended by Laws 1984, HB 1034, c. 254, § 1, eff. November 1, 1984; Amended by Laws 1988, SB 556, c. 242, § 3, eff. November 1, 1988; Amended by Laws 1990, HB 1727, c. 259, § 5, eff. September 1, 1990; Amended by Laws 1991, HB 1762, c. 335, § 14, emerg. eff. June 15, 1991; Amended by Laws 1999, SB 637, c. 291, § 1, eff. May 27, 1999 ([superseded document available](#)); Amended by Laws 2003, SB 704, c. 392, § 16, emerg. eff. July 1, 2003 ([superseded document available](#)); Amended by Laws 2006, HB 2708, c. 311, § 20, emerg. eff. June 8, 2006 ([superseded document available](#)).

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Title 47. Motor Vehicles

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Title 47. Motor Vehicles

Chapter 2 - The Department of Public Safety

Article Article 1 - Creation, Organization, and Responsibilities of Department

Section 2-116 - Giving of Notice

Cite as: O.S. §, ___

Whenever the Department of Public Safety is authorized or required to give any notice under this act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with first class postage prepaid, addressed to such person at the address as shown by the records of the Department. The giving of notice by mail is complete upon the expiration of ten (10) days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Department or affidavit of any person over eighteen (18) years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof. Failure of the person to receive notice because of failure to notify the Department of a change in his or her current mailing address, as required by Section 6-116 of this title, shall not be sufficient grounds for the person to protest the notice.

Historical Data

Laws 1961, HB 556, p. 327, § 2-116, eff. September 1, 1961; Amended by Laws 1986, HB 1633, c. 279, § 11, emerg. eff. July 1, 1986; Amended by Laws 2007, HB 1868, c. 326, § 4, eff. November 1, 2007 (superseded document available).

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Title 47. Motor Vehicles

Chapter 6 - Driver Licenses

Article Article 2 - Cancellation, Suspension, or Revocation of Licenses

Section 6-212 - Conditions for Reinstatement

Cite as: O.S. §. __ __

A. The Department of Public Safety shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.

B. The Department shall:

1. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and
2. Require any person having more than one suspension or revocation affecting the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection C of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;
2. The person has paid to the Department:
 - a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, or
 - b. (1) if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-608, 7-612, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records, and a special assessment trauma-care fee of Two Hundred Dollars (\$200.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes, for each suspension or revocation as shown by the records of the Department, and
 - (2) in addition to any other fees required by this section, if such privilege is suspended or revoked pursuant to an arrest on or after November 1, 2008, under the provisions of paragraph 2 or 6 of subsection A of Section 6-205 of this title or of Section 753, 754, or 761 of this title, a fee of Fifteen Dollars (\$15.00), which shall be apportioned pursuant to the provisions of Section 3-460 of Title 43A of the Oklahoma Statutes; and

3. The person has paid to the Department a single reinstatement fee of:

a. beginning on the effective date of this act through June 30, 2013, Fifty Dollars (\$50.00), of which Twenty-five Dollars (\$25.00) shall be deposited by the Commissioner to the credit of the Department of Public Safety Revolving Fund and, in addition to other purposes authorized by law, the expenditures from that fund of monies derived from the Twenty-five Dollars (\$25.00) pursuant to this subparagraph shall be used to fund any Oklahoma Highway Patrol Trooper Academy provided by the Department. Any remaining funds shall be used for operational expenses of the Oklahoma Highway Patrol, and

b. beginning on July 1, 2013, and any year thereafter, Twenty-five Dollars (\$25.00).

D. Effective July 1, 2002, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section; and

2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) each month shall be deposited in the General Revenue Fund.

Historical Data

Added by Laws 1982, SB 530, c. 276, § 1, emerg. eff. May 18, 1982; Amended by Laws 1983, SB 54, c. 286, § 21, emerg. eff. July 1, 1983; Amended by Laws 1984, HB 1536, c. 264, § 11, emerg. eff. July 1, 1984; Amended by Laws 1986, HB 1633, c. 279, § 15, emerg. eff. July 1, 1986; Amended by Laws 1987, HB 1196, c. 5, § 152, emerg. eff. March 11, 1987; Amended by Laws 1987, HB 1491, c. 226, § 5, emerg. eff. July 1, 1987; Amended by Laws 1990, HB 1989, c. 219, § 39, eff. January 1, 1991; Amended by Laws 1994, SB 1003, c. 218, § 6, emerg. eff. April 1, 1995; Amended by Laws 2001, HB 1308, c. 361, § 7, emerg. eff. July 1, 2001 (superseded document available); Amended by Laws 2002, HB 2768, c. 474, § 5, emerg. eff. June 6, 2002 (superseded document available); Amended by Laws 2004, HB 2600, c. 396, § 1, eff. November 1, 2004 (effective date changed to September 1, 2004, by Laws 2004, SB 973, c. 530, § 2, eff. September 1, 2004); Amended by Laws 2004, SB 973, c. 530, § 1, eff. September 1, 2004 (superseded document available); Amended by Laws 2007, HB 1868, c. 326, § 12, eff. November 1, 2007 (superseded document available); Amended by Laws 2008, SB 2076, c. 401, § 18, eff. November 1, 2008 (superseded document available); Amended by Laws 2011, SB 953, c. 226, § 1 (superseded document available).

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Title 11. Cities and Towns

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Title 11. Cities and Towns

Chapter 1 - Oklahoma Municipal Code

Article Article XIV - Municipal Ordinances

Section 14-112 - Terms - Denial of Driving Privileges

Cite as: O.S. §, ___

A. As used in this section:

1. "Department" means the Department of Public Safety;
2. "Notification form" means a form prescribed by the Department which contains a statement from the court that the person has failed to satisfy the sentence of the court. It shall include the name, date of birth, physical description, and the driver license number, if any, of the person;
3. "Reinstatement form" means a form prescribed by the Department which contains a statement from the court that the person has satisfied the sentence of the court. It shall include sufficient information to identify the person to the Department;
4. "Sentence" means any order of the court to pay a fine, penalty assessment or costs or to carry out a term of community service or other remedial action.

B. When any person under the age of eighteen (18) years fails or refuses to satisfy a sentence of a municipal court, the court shall notify the Department. Upon receipt of the notification form from the court, the Department shall cancel or deny all driving privileges of the person without a hearing until the person satisfies the sentence of the court.

C. When the person fulfills the sentence of the court, the court or court clerk shall provide a reinstatement form to such person either directly or by first class mail, postage prepaid, at the last address given by the person to the court. The driving privileges of a person who furnishes a reinstatement form to the Department shall be granted or reinstated, if the person is otherwise eligible, in accordance with law. Upon such granting or reinstatement of driving privileges, the Department may remove any record of the denial or cancellation of driving privileges as provided for in this section from the file of the person and maintain an internal record of the denial or cancellation for fiscal or other purposes.

D. At the time of sentencing the person, the court may take custody of the driver's license of the person until the terms of the sentence are fulfilled. In such case, the court shall issue to the person a receipt for the license. Additionally, the court may notify the parents or other custodian of the person of the terms of the sentence or any notice to the Department.

Historical Data

Added by Laws 1990, c. 299, § 1, eff. Sept. 1, 1990; Amended by Laws 1999, c. 139, § 14-112, eff. November 01, 1999 ([superseded document available](#)).

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