

# DPS RECORDS MANAGEMENT

## *Timely Conviction Entry Requirements.*

*Why it is vital that court clerks report convictions immediately!*

**Oklahoma State Statutes require that all convictions be submitted within 5 days.**

Title 47. Motor Vehicles

Oklahoma Statutes Citationized

Title 47. Motor Vehicles

Chapter 18 - Records and Reports

Section 18-101 - Record of Traffic Cases - Report of Convictions to Department

Cite as: O.S. §, \_\_\_

A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within **five (5) days** after:

1. The conviction of any person holding a Class D driver license; or
2. The conviction, as defined in subsection A of Section 6-205.2 of this title, of any person holding a Class A, B or C driver license; or
3. The forfeiture of bail of a person;

upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and **immediately forward to the Department of Public Safety an abstract of the record** covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct.

# Code of Federal Regulations

- **Federal regulations require the State of Oklahoma to have convictions entered within 10 days.**
- **Title 49 – Transportation**
- Volume: 5 Date: 2011-10-01 Original Date: 2011-10-01 Title: Section 384.209 - Notification of traffic violations.
- Context: Title 49 - Transportation. Subtitle B - Other Regulations Relating to Transportation (Continued). CHAPTER III - FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION. SUBCHAPTER B - FEDERAL MOTOR CARRIER SAFETY REGULATIONS. PART 384 - STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM. Subpart B - Minimum Standards for Substantial Compliance by States.
- § 384.209 Notification of traffic violations.
- (a) *Required notification with respect to CLP or CDL holders.* Whenever a person who holds a CLP or CDL from another State is convicted of a violation of any State or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations), in any type of vehicle, the licensing entity of the State in which the conviction occurs must notify the licensing entity in the State where the driver is licensed of this conviction within the time period established in paragraph (c) of this section. Code of Federal Regulations / Title 49 - Transportation / Vol. 5 / 2011-10-01230
- (b) *Required notification with respect to non-CDL holders.* Whenever a person who does not hold a CDL, but who is licensed to drive by another State, is convicted of a violation in a CMV of any State or local law relating to motor vehicle traffic control (other than a parking violation), the licensing entity of the State in which the conviction occurs must notify the licensing entity in the State where the driver is licensed of this conviction within the time period established in paragraph (c) of this section.
- (c) *Time period for notification of traffic violations.*
- (1) Beginning on September 30, 2005, the notification must be made within 30 days of the conviction.
- **(2) Beginning on September 30, 2008, the notification must be made within 10 days of the conviction.**
- [67 FR 49761, July 31, 2002, as amended at 76 FR 26894, May 9, 2011]

# FMCSA Federal Motor Carrier Safety Administration

## Part 384

### STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

- **Federal ramifications to the State of Oklahoma for not reporting in the time required.**
- **§ 384.403: Availability of funds withheld for noncompliance.**
- (a) Federal-aid highway funds withheld from a State under § 384.401(a) or (b) shall not thereafter be available for apportionment to the State.
- (b) MCSAP funds withheld from a State under § 384.401(a)(2) or (b)(2) remain available until June 30 of the fiscal year in which they were withheld. If before June 30 the State submits a document signed by the Governor or his or her delegate certifying, and the FMCSA determines, that the State is now in substantial compliance with the standards of subpart B of this part, the withheld funds shall be restored to the State. After June 30, unrestored funds shall lapse and be allocated in accordance with § 350.313 of this subchapter to all States currently in substantial compliance with subpart B of this part.
- **Citation:** [67 FR 49763, July 31, 2002, as amended at 78 FR 58481, Sept. 24, 2013]

# OPTIONS

- As you can see, it is required and very important that convictions are reported to DPS immediately.
- If you do not utilize the electronic process to send in your convictions, you are encouraged to do so as it will save you time and money/postage. It will give you a way to manage your docket, payments, use for amendments and convictions will go direct to a drivers record.
- You may use the DPS online court reporting system by contacting DPS at 405-425-2194 or 405-425-2145