

**ON THE RECORD**  
communicating with DPS

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Why is it important to report timely to DPS?

- ▶ <http://youtu.be/dlz4frgR20w>
- ▶ <http://youtu.be/8pg2gZql7V4>

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What do we report to DPS?

- ▶ Alcoholic Beverage Code
- ▶ Penal Code
- ▶ Health and Safety
- ▶ Transportation Code
- ▶ Education Code
- ▶ New Trials
- ▶ Appeals
- ▶ Forms



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### ALCOHOL BEVERAGE CODE

- ▶ Convictions- Possession, purchase, attempt to purchase, consumption of alcohol by a minor, or misrepresentation of age by a minor



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### ALCOHOL BEVERAGE CODE

- ▶ Mandatory DL suspension
  - ▶ Suspension effective on 11<sup>th</sup> day after judgment
- ▶ First conviction – 30 days
- ▶ Second conviction (charge enhanced to allege prior conviction) – 60 days
- ▶ Third offense – 180 days (no jurisdiction)
- ▶ Report order on DIC-15

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### ALCOHOL AND BEVERAGE CODE

- ▶ Failure to complete alcohol awareness course & community service
  - ▶ Mandatory DL suspension
    - ▶ For a period not to exceed six months
    - ▶ For a period not to exceed one year (offense filed as second or subsequent)

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**ALCOHOL AND BEVERAGE CODE**

- ▶ Judge orders
  
- ▶ Clerk reports court order on DIC-15
  
- ▶ Must indicate beginning and ending date of suspension period

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**ALCOHOL AND BEVERAGE CODE**

- ▶ DUI
  - ▶ Acquittal
  
- ▶ Report to DPS
  
- ▶ Report on DIC-15



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**PENAL CODE**

- ▶ Public Intoxication (person under age 21)
  - ▶ Punishment same as ABC offense
  - ▶ Mandatory DL suspension
  - ▶ Alcohol awareness course required
  - ▶ Community Service required
  - ▶ See ABC information on reporting

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### PENAL CODE

- ▶ Possession of Alcoholic Beverage in Motor Vehicle
  - ▶ Report like a traffic conviction
  - ▶ Report electronically (DPS code 3323) or use DR-18



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### PENAL CODE

- ▶ Theft of gasoline
  - ▶ Loss of less than \$50 (jurisdiction)
  - ▶ Court required to enter an affirmative judgment on first conviction
  - ▶ Court required to enter a special affirmative judgment on second conviction
  - ▶ Report like traffic electronically (DPS code: 3206) or use DR-18 form

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### HEALTH AND SAFETY CODE

- ▶ Failure to complete tobacco awareness program
  - ▶ Mandatory DL suspension or denial
    - ▶ Suspension not to exceed six months
  - ▶ Court orders suspension
  - ▶ Clerks report court order on DIC-15



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### TRANSPORTATION CODE

- ▶ All traffic convictions and forfeitures of bail
- ▶ Report every 7 days after date of conviction or forfeiture
- ▶ If on time payment do not wait for final payment
- ▶ Report electronically or use DR-18




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### DPS CODES

- ▶ Greater than 10 % above posted limit – Use DPS code 3586
- ▶ Speeding in a school zone – Use DPS code 3596

Driving while license suspended- Use DPS code 3101  
 New Violations (Cell Phone Law)  
 - Use 0000 until DPS assigns a code




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### TRANSPORTATION CODE

- ▶ Form of report for convictions & forfeitures
- ▶ Name, address, physical description, race, or ethnicity, date of birth, DL number;
- ▶ Registration number
- ▶ Date and nature of offense
- ▶ Date of conviction
- ▶ Amount of fine or forfeiture
- ▶ If a search was conducted and if consent was given

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### ADDRESSES

- ▶ Automated reports
- ▶ Texas Department of Public Safety Driver Records/Data Submission P.O. Box 4087 Austin, Texas, 78773-0364
- ▶ Manual reports
- ▶ Texas Department of Public Safety Driver Records/Ticket Verification P.O. Box 4087 Austin, Texas 78773-0361



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Email Conviction Notices to  
[data.submission@txdps.state.tx.us](mailto:data.submission@txdps.state.tx.us)



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### To Correct an Error

- ▶ Use DPS Correction Form
- ▶ Fax to (512) 424-5809



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### TRANSPORTATION CODE

- ▶ Passing School Bus Loading or Unloading Children
- ▶ Second or Subsequent conviction
- ▶ Court may order DL suspension
  - ▶ No longer than six (6) months
  - ▶ Report order on DIC-15 form




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### TRANSPORTATION CODE

- ▶ Convictions under Section 521.453, T.C.  
(Class C misdemeanor-\$500 max fine)



Fake



Real

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- ▶ Selling, manufacturing, distributing, or possessing a document that is deceptively similar to a driver's license or a personal identification certificate issued by DPS unless the document displays the statement "**NOT A GOVERNMENT DOCUMENT**" diagonally printed clearly and indelibly on both the front and back of the document in solid red capital letters at least one-fourth inch in height.

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### TRANSPORTATION CODE

- ▶ Conviction under Section 521.453, T.C.
  - ▶ Automatic DL suspension
  - ▶ Court may require surrender of DL
    - ▶ Clerk must send the DL with a report of the conviction to DPS by 10<sup>th</sup> after license surrendered
  - ▶ Court orders suspension
  - ▶ Suspension period: not less than 90 days or more than one year
  - ▶ Clerk reports suspension on DIC-21 form

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### TRANSPORTATION CODE

- ▶ Nonresident Violator Compact (NRVC)
  - ▶ For FTA or FTP
  - ▶ Six part form
    - ▶ Mail first to defendant, wait 15 days
    - ▶ If no response, mail second and third pages of form to DPS
    - ▶ When defendant disposes of case, mail fourth page (defendant's receipt) to defendant
    - ▶ Mail fifth copy to DPS (notice of withdrawal of suspension)
    - ▶ Keep sixth part in case file
  - ▶ Must report within six months

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### NRVC EXEMPTIONS

- |                                             |                                              |
|---------------------------------------------|----------------------------------------------|
| ▶ Moving violations that carry a suspension | ▶ Offenses requiring a personal appearance   |
| ▶ Equipment violations                      | ▶ Size and weight limit violations           |
| ▶ Motor carrier violations                  | ▶ Parking or standing violations             |
| ▶ Lease law violations                      | ▶ Transporting hazardous material violations |
| ▶ Registration law violations               |                                              |

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### TRANSPORTATION CODE

- ▶ Prohibited Report
  - ▶ Traffic cases completing deferred disposition
  - ▶ If defendant fails to complete deferred and does not appeal, report traffic conviction



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### TRANSPORTATION CODE

- ▶ Failure to report convictions and bond forfeitures
  - ▶ May be removed from office
  - ▶ Failure constitutes misconduct in office (TC 543.206)



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### EDUCATION CODE

- ▶ Failure to Attend School Offense
  - ▶ DL suspension or denial sanction (discretionary with judge)
    - ▶ For a period not to exceed 365 days
    - ▶ Use DIC-15 form



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S.B. 1056 passed 2009

- ▶ Non-disclosure under 411.081 (f-1) and (j) of the Government Code

**REPEALED**

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H.B. 961 Confidentiality of Juvenile Records

- ▶ No longer sending to DPS
- ▶ Expressly excludes traffic offenses from confidentiality rule
- ▶ Effective immediately and is retroactive to all juvenile convictions

**Still does not cover deferred dispositions**

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**NEW TRIAL**

- ▶ Do not report if new trial granted
- ▶ If second trial results in conviction of a traffic offense or an Alcoholic Beverage Code offense, report

**APPEAL**

- ▶ Do not report
- ▶ If county court refuses jurisdiction of traffic or Alcoholic Beverage Code conviction and sends the case back, report

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**FAILURE TO APPEAR**

- ▶ Defendant under age 17 fails to appear, court:
  - ▶ May order DPS to suspend or deny issuance of DL
  - ▶ Must submit report within 2 years of FTA
  - ▶ Suspension or denial effective until person complies
  - ▶ Report on DIC-81
  - ▶ Report on DIC-81 when defendant fully complies

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**FAILURE TO PAY OR VIOLATION OF A COURT ORDER**

- ▶ Person under age 17
- ▶ Applies to All offenses
- ▶ Court conducts contempt hearing
- ▶ If court retains jurisdiction of contempt under Article 45.050, C.C.P., Court:
  - ▶ May order DL suspended or denied until defendant complies
    - ▶ Report on DIC-81
  - ▶ Report when defendant fully complies
    - ▶ Reported on DIC-81

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**DIRECT CONTACT FOR DPS REPORTING**

▶ **Darin Koch**  
Texas Department of Public Safety  
Conviction Reporting  
512-424-5966 work  
512-424-2031 work  
Darin.Koch@txdps.state.tx.us

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### H.B. 2730 passed in 2009

- ▶ Article 15 made changes relating to the surcharge program and defendants who claimed indigent
- ▶ Taking effect 9-1,2011
- ▶ DPS is ready, but not releasing until January
- ▶ DPS must send 3 notices when surcharge is assessed



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THANK YOU 😊

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