

**State of Indiana
Bureau of Motor Vehicles**

IN THE MATTER OF:

CASE NO. 16-IL-081

[REDACTED]

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FINAL ORDER

1. This matter comes before me following receipt of a request for reconsideration of the Recommended Order issued by Administrative Law Judge ("ALJ") Steven Sams on December 15, 2016.
2. By letter dated December 28, 2016, Petitioner [REDACTED] ("[REDACTED]") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") denial of a credential issuance.
3. This matter was referred to ALJ Sams for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on December 6, 2016. The BMV was represented by attorney Kyle Bonick. Petitioner appeared in-person and *pro se*.
4. The hearing was recorded. Witnesses were sworn. The BMV proffered witness testimony and offered BMV Exhibits 1 and 2 into evidence. [REDACTED] testified on his own behalf.
5. At the hearing, evidence established:
 - a. In a letter dated October 13, 2016, [REDACTED] was denied an Indiana credential issuance after the BMV search of the National Driver Register revealed that [REDACTED] has two unresolved indefinite suspensions in the state of Georgia (effective dates of May 24, 1994 and June 02, 1994), which the ALJ found as a finding of fact.
 - b. [REDACTED] Certified Driver's Record was admitted into evidence without objection.
6. Indiana Code § 9-28-1-3 indicates that Indiana adopts and enters into the Driver License Compact ("Compact"). Article 1 of the Compact states that it is the policy of each party state to promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by the party state's operators in

other jurisdictions by considering compliance a condition precedent to the continuance or issuance of any license.

7. Article 5 of the Compact provides that a party state shall not issue a license to an applicant who holds or has ever held a license to drive issued by any other party state if (1) such license has been suspended by reason of a violation and if such suspension period has not terminated; or (2) such license has been revoked by reason of a violation and such revocation has not terminated, except that after one (1) year from the date of revocation, the person may make application for a new license if permitted by law.
8. Given the stated policy of the Indiana legislature in adopting the Driver License Compact, the BMV interprets Article 5 to apply to individuals who hold a physical license in another state as well as to individuals whose driving privileges are suspended/revoked in another state, regardless of whether the individual ever resided or held a driving credential in that jurisdiction.
9. The Bureau of Motor Vehicles applied the 2016 version of the Indiana Code § 9-28-1-3 as [REDACTED] license denial occurred in 2016.
10. The BMV has no jurisdiction over the state of Georgia's records.

These facts and conclusions of law substantiate the ALJ's Recommended Order, which affirmed the BMV denial of [REDACTED] credential issuance.

Therefore, I AFFIRM the ALJ's Recommended Order.

SO ORDERED.

4 MARCH 2017
Date

Peter L. Lacy
Peter L. Lacy, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

[REDACTED]
Indiana Bureau of Motor Vehicles