

**STATE OF INDIANA
BUREAU OF MOTOR VEHICLES**

IN THE MATTER OF:

Case No. 18-IL-002

██████████
██████████
DLN: ██████████

FINAL ORDER

1. On or about January 4, 2018, ██████████ (“Petitioner”) by counsel, Scott J. Lennox, requested an administrative review of the Indiana Bureau of Motor Vehicles (“BMV”) decision to deny his request for an Indiana credential.
2. The matter was referred to Administrative Law Judge Joseph Hoage (“ALJ”) for review under Ind. Code § 4-21.5-3-7(a). A hearing was held on May 3, 2018. The BMV was represented by BMV staff attorney Natalie Huffman.
3. The hearing was recorded. Petitioner appeared in person, by counsel, and was sworn. The BMV and Petitioner proffered testimony and offered exhibits into evidence.
 - a. Petitioner was denied an Indiana credential after the BMV search of the National Driver Register revealed that Petitioner has unresolved driving privilege suspensions from the State of Florida, with effective dates of:
 - i. February 13, 2014 for “Administrative Per Se for BAC at or over .08”
 - ii. June 11, 2014 for “Refused to submit to test for alcohol – Implied Consent Law”
 - iii. October 5, 2017 for “Withdrawal – non-ACD violation”
 - b. Petitioner also has an unresolved driving privilege revocation from the State of Florida, with an effective date of October 8, 2014 for “Driving under the influence of alcohol.”
 - c. A printout of the National Driver Register history was admitted into evidence without objection.
 - d. Petitioner’s Certified Indiana Driver’s Record was admitted into evidence without objection.
4. At hearing and in writing, Petitioner points out that his Indiana Driver’s Record does not indicate any suspension or revocation of driving privileges stemming from the State of Indiana. There is no indication that his driving privileges have been suspended either by an Indiana court or administratively by BMV.
5. On May 9, 2018, the ALJ issued a written Recommended Order that affirmed BMV’s actions denying Petitioner’s request for a credential.
6. On or about May 23, 2018, Petitioner requested a reconsideration of the Recommended Order.
7. Pursuant to Ind. Code § 9-28-1-3, Indiana adopts and enters into the Driver License Compact (“Compact”). Article 1 of the Compact states that 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 their operators in each of the jurisdictions where such operators

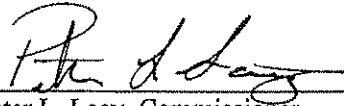
drive motor vehicles by considering compliance with the Compact a condition precedent to the continuance of issuance of any license.

8. 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 a suspension period has not been terminated; or (2) such license has been revoked by reason of a violation and such revocation has not terminated, except after (1) year from the date of revocation, the person may make application for a new license if permitted by law.
9. Petitioner argues that because his unresolved Florida driving privilege suspensions and revocation are not indicated on his Indiana driving record, the BMV should either: 1) indicate the suspension on his driving record so that he can apply for Specialized Driving Privileges; or 2) issue Petitioner an Indiana operator's license.
10. There does not appear to be any contention that Petitioner's driving privileges are not suspended in Florida. As such, BMV's denial of an Indiana driver's license is in line with Ind. Code § 9-28-1-3, specifically Article 5 of the Compact.
11. Therefore, pursuant to Ind. Code § 4-21.5-3-29(b), I hereby AFFIRM the ALJ's May 9, 2018 Recommended Order. Petitioner has three (3) unresolved suspensions and one (1) unresolved revocation on his driving record. Even if BMV was willing to waive the revocations, by law Indiana is prohibited from issuing Petitioner a driving credential when his driving privileges are suspended in another state.
12. Petitioner is hereby notified that this is a Final Order. Petitioner may seek judicial review of this Final Order pursuant to Ind. Code § 4-21.5-5.

SO ORDERED.

Date

16 July 2018


Peter L. Lacy, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

- Petitioner
- Indiana Bureau of Motor Vehicles