

CHAPTER THREE

POINTS, SUSPENSION, AND INSURANCE REQUIREMENTS

The Point Study Committee assesses a point value for traffic violations. The point value relates to the severity and history of the violation or accident. Points stay active on your driver record for two years from the conviction date.

Point Values

Points vary for speeding violations. Examples of speeding violation point totals include:

- 1 – 15 miles per hour over the speed limit: _____ 2 points
- 16 – 25 miles per hour over the speed limit: _____ 4 points
- 26+ miles per hour over the speed limit: _____ 6 points

Examples of other violation point totals include:

- Failure to use headlights _____ 2 points
- No brake or signal lights _____ 2 points
- Improper motorcycle headgear _____ 4 points
- Improper motorcycle passenger _____ 4 points
- Improper U-turn _____ 4 points
- Unsafe lane movement _____ 4 points
- Disregarding a stop sign or yield sign _____ 4 points
- Failure to yield to an emergency vehicle _____ 6 points
- Following another vehicle too closely _____ 6 points
- Driving while suspended _____ 8 points
- Speed contest on road _____ 8 points

Driver Safety Program

The BMV has approved a limited number of Driver Safety Program (DSP) providers. A BMV-approved DSP is a defensive driving curriculum available in classroom, online, or DVD instruction formats. A BMV-approved DSP course

provides a summary of defensive driving techniques and can be a beneficial refresher course for drivers.

Any Indiana driver may complete a DSP course from a BMV-approved provider and receive a four-point credit. However, Indiana drivers required by the BMV to participate in a DSP will receive a mailed notification indicating that they must successfully complete a BMV-approved DSP within 90 days of the date on the notification. Each driver is allowed one four-point credit during a three-year period.

The BMV may require drivers 21 years of age and older who are convicted of two or more traffic offenses within a 12-month period to complete a BMV-approved DSP course.

An individual is required to attend and satisfactorily complete a BMV-approved DSP course if the following has occurred when the individual was under 21 years of age, or if it occurred more than once:

- Been the operator of a motor vehicle involved in an incident in which points may be assessed by the BMV under the point system.

Failure to complete a DSP course within 90 days from the date of the BMV's mailed notice will result in the suspension of your driving privileges. The suspension will remain on your driver record until such time as you successfully complete the DSP course and the completion is processed by the BMV.

A judge may also order a driver who commits a traffic offense to attend a DSP. If a court orders you to complete a DSP, the type of DSP you will be required to complete is at the court's discretion. However, the four-point credit will only be applied to your driver record if you complete a BMV-approved DSP course.

The maximum fee for any BMV-approved DSP is \$55. Allow seven to 10 business days for completion results to be processed by the BMV. Make your check or money order payable to the DSP provider.

A list of DSP providers is available at myBMV.com or by calling 888-692-6841.

Insurance Requirements

Driving without a current liability insurance policy that meets the state minimum standard is against the law. The state minimum insurance standard is \$25,000 for bodily injury to, or the death of, one individual; \$50,000 for bodily injury to, or the death of, two or more people in any one accident;

and \$25,000 for property damages in any one accident. This is commonly referred to as 25/50/10 liability insurance. To deter uninsured drivers, Indiana law requires the BMV to impose driving privilege suspensions and financial penalties on motorists who are found to have operated a vehicle in Indiana without proof that they hold the state minimum requirement for auto insurance. Financial penalties include reinstatement fees and suspensions that can range from 90 days to one year.

Proof of Financial Responsibility

Do not delay when you receive a notification from the BMV to provide proof of financial responsibility (proof of insurance). Immediately contact your automobile insurance provider and request that an employee electronically submit a Certificate of Compliance (COC) to the BMV. You may receive a notice to verify financial responsibility from the BMV as the result of any of the following situations:

- An auto accident
- A pointable moving traffic violation within one year of receiving two other pointable moving traffic violations
- A serious traffic violation such as a misdemeanor or felony
- Any pointable moving traffic violation by a driver who was previously suspended for failing to provide proof of financial responsibility

A properly filed COC will demonstrate that the vehicle you were operating at the time of the incident or accident was insured to the state's minimum motor vehicle liability protection (25/50/10). The COC must be received electronically and processed by the BMV within 90 days of the BMV's mailing of a request to verify financial responsibility, or your driving privileges will be suspended.

Once your driving privileges are suspended, you may have a BMV-imposed suspension removed from your driving record by having your insurance provider or employer submit proof of financial responsibility. This typically requires your insurance provider to submit a COC covering you and the vehicle indicated in the citation or accident report for the date of the incident or accident, or an Affidavit – Proof of Financial Responsibility for Employer or Rental Vehicles – State Form 55434. If you are convicted by an Indiana court, or by an out-of-state court, for operating a vehicle without insurance, you must contact the court to determine if you can provide proof of insurance to them to remove the conviction from your driving record.

If your driving privileges are suspended as a result of a court conviction or for failing to file insurance with the BMV, Indiana law requires that you have your

insurance provider electronically file proof of future financial responsibility with an SR22 form in order for your driving privileges to be reinstated. A failure to file an SR22 will result in the continuation of a suspension on your driving record until your insurance provider files an effective SR22.

SR22 Requirement Period

The SR22 form demonstrates that you have a motor vehicle insurance policy that meets the state's minimum standards and it cannot be canceled without prior notice given to the BMV. When you have an SR22 requirement, you must maintain an effective SR22 policy on file with the BMV for three years as a result of your first and/or second no-insurance suspension, or for five years as a result of your third and subsequent no-insurance suspensions (if the suspension became effective after July 1, 2014).

If the BMV receives an SR26 (cancellation of SR22 insurance) notice from your insurance provider, at any time during the three or five year required period, Indiana law requires the BMV to suspend your driving privileges until it receives an effective SR22 policy, or until the SR22 requirement period expires.

If you are convicted of operating without insurance more than one time in a five-year period, the court may suspend your vehicle registration in addition to your driving privileges for one year.

No-Insurance Reinstatement Fees

A driver who operates a motor vehicle without a liability insurance policy that meets the state's minimum standards is subject to a suspension of driving privileges. Additionally, once that insurance suspension has expired, Indiana law requires you to pay a fee to reinstate your driving privileges; this is in addition to the SR22 requirement. Reinstatement fees are \$250 for a first no-insurance suspension, \$500 for a second no-insurance suspension, and \$1,000 for a third and subsequent no-insurance suspension(s) that occurred after Jan. 1, 2015. For no-insurance suspensions prior to Jan. 1, 2015, reinstatement fees of \$150 for a first no-insurance suspension, \$225 for a second no-insurance suspension, and \$300 for a third and subsequent no-insurance suspension(s) will be required.

You may pay reinstatement fees at myBMV.com, by telephone at 888-692-6841, or by mail using the reinstatement fee coupon that you receive in the mail from the BMV.

Suspensions

Indiana law provides courts with the authority to order the BMV to suspend an individual's driving privileges under certain circumstances, including when he or she is found to have committed certain traffic violations.

Failure to Appear in Court or Pay Traffic Offenses

Failing to appear before a court of law in response to a citation issued by a law enforcement officer, or not paying tickets after a judgment has been entered, may lead to the suspension of your driving privileges. These types of suspensions are indefinite and will only end when the court notifies the BMV that you appeared in court or paid the citation.

Driving While Suspended

Driving while suspended is a serious traffic violation. Driving while suspended with a prior offense can result in a misdemeanor or felony conviction on your driving record. The penalties imposed by the court can be significant and convictions can result in increased insurance premiums. The BMV strongly encourages you to not operate a motor vehicle with a suspended driver's license.

Operating a Vehicle While Intoxicated

Operating a vehicle while intoxicated or with a blood alcohol content in excess of the legal limit is a criminal offense and has an immediate effect on your privilege to operate a vehicle. If a law enforcement officer has probable cause to believe that a motorist committed an offense under IC 9-30-5, IC 9-30-6, IC 9-30-9, or IC 9-30-15, the officer may ask the motorist to submit to a chemical test to determine the amount of alcohol in the person's system. If a judge finds that probable cause exists, such that a person operated a vehicle while intoxicated, that person may face a suspension of driving privileges.

- A motorist who fails a chemical test may have his or her driving privileges suspended for up to 180 days
- A motorist who refuses to submit to a chemical test will face a suspension of driving privileges for up to two years

In addition to a probable-cause suspension, a court may suspend a person's driving privileges following a conviction for operating while intoxicated. The suspension periods may be longer for repeat offenders. Penalties for this offense may include conditions placed on your driving privileges.

If the motorist is eligible, the court may issue an order for specialized driving privileges. The court may also require the installation of an ignition interlock device, which mechanically tests the driver's blood alcohol level before his or her car can be started.

When a driver who is under 18 years of age is cited for operating a vehicle while intoxicated, the Juvenile Court may also recommend a suspension of his or her driving privileges.

Operating a Watercraft While Intoxicated

If you are convicted of operating a watercraft while intoxicated, your driving privileges are subject to the same penalties as an operator of a motor vehicle.

A conviction of operating a watercraft while intoxicated is forwarded to the BMV and the conviction becomes part of your driver record.

Other offenses related to the operation of a watercraft, such as reckless operation endangering the safety of others or operating a watercraft when your driving privileges have been suspended, will also be added to your driver record.

Failure to Pay Child Support

A court that has determined a parent is delinquent in paying child support may order the BMV to immediately suspend the delinquent parent's driving privileges until the BMV receives an order from the court to reinstate the parent's driving privileges.

If the local agency responsible for enforcing child support payments determines either that a parent failed to appear for a hearing or appeared and was found to be delinquent, then that agency may also send an order to the BMV requiring that the parent's driving privileges be suspended until the BMV is notified that the parent has paid or established a payment plan.

Making Payment to the BMV with Dishonored Funds

The BMV will indefinitely suspend your driving privileges if you submit payment to the BMV for any services or fees and that payment was not honored. To reinstate your driving privileges, you must pay the amount of the obligation plus all applicable service, collection, and reinstatement fees.

Checking Your Driver Record and Reinstatement

After you have resolved any problems with your driver record, you may be eager to obtain a valid credential and get back on the road. Your first resource should be to check your driver record, which you may view anytime at no charge at myBMV.com. For your first visit, you will be required to establish a myBMV.com account. The "Viewable Driver Record" on myBMV.com includes your driver's license status, as well as information about citations, suspensions, and how to reinstate your driving privileges if you have outstanding requirements.

Once you log into myBMV.com, select "Driver Record" on the left-hand side of the page, then select the "Viewable Driver Record" to see your record. There is also an "Official Driver Record" that may be purchased for \$4. Any outstanding reinstatement requirements, along with the date you are eligible for reinstatement, will be listed in the "Reinstatement Requirements" box near the top of the viewable driver record or on your Official Driver Record.

If your driving privileges are still suspended by a court, the court's phone number will be listed with the associated court-ordered suspension. You may contact the court to find out how to fulfill any of their requirements for a particular suspension. Once the court's requirements are fulfilled, the court will send reinstatement information directly to the BMV for processing. Processing by the BMV may take up to 10 business days once the information is received from the court.

Note: The Viewable Driver Record cannot be printed and should not be used as an official transcript of your driver record. The Official Driver Record is an official transcript of your driver record and can be used by individuals, courts, state agencies, and employers. You will be able to print your Official Driver Record for up to 30 days after you have purchased it. An electronic version of the Official Driver Record is also provided when purchased at myBMV.com.

Habitual Traffic Violators

Indiana law provides serious penalties for drivers who have repeatedly committed traffic offenses over a 10-year period. The BMV uses the criteria in statute, which are summarized on the next page to determine whether a driver qualifies as a Habitual Traffic Violator (HTV).

Section A (10-Year or Life Suspension): Two Major Offenses Resulting in Injury or Death

An HTV is a person who, within a 10-year period, accumulates two judgments resulting in injury or death. Below is a reference of some of the criminal offenses that will result in an HTV status being placed on your driving privileges:

- Reckless homicide resulting from operation of a motor vehicle
- Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle
- An operator involved in an accident resulting in death or injury who fails to stop at the scene of the accident to provide information and assistance
- Operating a motor vehicle while intoxicated resulting in death
- Operating a motor vehicle with a blood alcohol content of .08 or more resulting in death

Drivers who accumulate two judgments from the above list within a 10-year period will have their driving privileges suspended for 10 years.

Drivers who accumulate two judgments within a 10-year period for operating a motor vehicle while intoxicated resulting in death, or operating a motor vehicle with blood alcohol content of .08 percent or more resulting in death, will have their driving privileges suspended for life.

Prior to June 30, 2001, drivers who accumulated two judgments within a 10-year period for operating a motor vehicle while intoxicated resulting in death, or operating a motor vehicle with blood alcohol content of .10 percent and 210 liters of their breath or more resulting in death, had their driving privileges suspended for life.

Section B (10-Year Suspension): Three Major Offenses

An HTV is a person who, within a 10-year period, accumulates three judgments from this list:

- Driving while intoxicated or with a blood alcohol content of .08 percent or more
- Prior to June 30, 2001, drivers who were convicted of operating a motor vehicle with blood alcohol content of .10 percent and 210 liters of their breath or more

- Prior to July 1, 1997, drivers who were convicted of operating a motor vehicle while intoxicated resulting in death, or operating a motor vehicle with blood alcohol content of .10 percent and 210 liters of their breath or more
- Reckless driving
- Criminal recklessness as a felony involving the operation of a motor vehicle
- Drag racing or engaging in a speed contest in violation of the law
- Leaving the scene of an accident or failing to notify authorities of an accident when required
- Resisting law enforcement under IC 35-44.1-3-1
- Any felony under an Indiana motor vehicle statute or any felony in which the operation of a vehicle is an element of the offense
- Operating a Motor Driven Cycle – Class B in violation of IC 9-24-1-1(b)
- Any of the offenses listed in Section A

Drivers who, within a 10-year period, accumulate three judgments from the above list will have their driving privileges suspended for 10 years.

Section C: Ten Traffic Offenses in a Ten-Year Period

An HTV under this section is subject to a five-year driving privilege suspension and has accumulated 10 or more traffic violations in a 10-year period, one of which is a major offense as listed in Section A or B or one of the following:

- Operating a motor vehicle while the person's license has been suspended or revoked as a result of the person's convictions of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3
- Operating a motor vehicle without ever having obtained an operator's license

For example, a person with nine speeding tickets and one reckless driving conviction in a 10-year period will be subject to a five-year suspension as an HTV.

Operating a Vehicle While Suspended as an HTV

Indiana law states that a person who is convicted of operating a vehicle while suspended as an HTV may have other driving privileges suspended for a period set by the court.

Restriction 5: Probationary or Specialized Driving Privileges

A “Restriction 5” is placed on the driver’s license of a person who has been granted hardship, probationary, conditional, or specialized driving privileges by court order.

Restriction 2 will no longer be added to driver records for HTV suspensions/ HTV probationary driver’s licenses expiring on or after January 1, 2015.

SR22 Insurance and Specialized Driving Privileges

A person who has been granted specialized driving privileges by a court shall:

- Maintain an effective SR22 on file with the BMV for the duration of specialized driving privileges
- Carry a copy of the court order granting specialized driving privileges or have the order in the vehicle being operated by the person
- Produce the copy of the order granting specialized driving privileges upon the request of a law enforcement
- Carry a validly issued credential during the operation of any motor vehicle

As of January 1, 2015, an effective SR22 is not required as a condition of reinstatement to be on file with the BMV.