

TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule

LSA Document #12-377

DIGEST

Amends 140 IAC 1-4.5-4, points accumulation retention, in accordance with IC 9-14-2-2.
Amends 140 IAC 1-4.5-10, regarding presumptive monetary amount of an accident and point value table, in accordance with IC 9-19, IC 9-21, IC 9-24, IC 9-26-1-2, and IC 9-26-1-10.
Repeals 140 IAC 2-3-6, regarding display of permit, in accordance with IC 9-18-7-1.5. Repeals 140 IAC 2-1-13, regarding exchange of previously issued license plates, in accordance with IC 9-14-2-2. Repeals 140 IAC 4-3-1, regarding the vision test chart, in accordance with IC 9-24-10. Repeals 140 IAC 7-3-16.5, regarding commercial driver's license exemptions, in accordance with IC 9-14-2-2. Effective 30 days after filing with the Publisher

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

140 IAC 1-4.5-4; 140 IAC 1-4.5-10.

SECTION 1. 140 IAC 1-4.5-4 IS AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-4 Points accumulation retention

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3-4; IC 9-24-2-3; IC 9-24-10-2; IC 9-30-3-14

Sec. 4. (a) Points assessed for any traffic violation shall become inactive twenty-four (24) months after the ~~administrative assessment date or~~ court conviction date.

(b) A driver accumulating eighteen (18) or more active points, after any credit earned by completion of a ~~defensive driving course~~ **driver safety program**, within a twenty-four (24) month period shall ~~be required to appear, upon notice from the bureau, for an administrative hearing.~~ **receive a penalty corresponding to the number of active points. When a penalty includes a period of suspension and probation of the person's driving privileges, and a period of probation for the person's driving privileges, the probation shall commence upon the end of the suspension. A driver receiving a penalty under this section has the administrative review rights provided under IC 4-21.5-3. The penalties are as follows:**

- (1) Eighteen (18) points will result in twelve (12) months probation.**
- (2) Twenty (20) points will result in a one (1) month suspension and eleven (11) months probation.**
- (3) Twenty-two (22) points will result in two (2) months suspension and ten (10) months probation.**
- (4) Twenty-four (24) points will result in three (3) months suspension and nine (9) months probation.**

- (5) Twenty-six (26) points will result in four (4) months suspension and eight (8) months probation.
- (6) Twenty-eight (28) points will result in five (5) months suspension and seven (7) months probation.
- (7) Thirty (30) points will result in six (6) months suspension and six (6) months probation.
- (8) Thirty-two (32) points will result in seven (7) months suspension and five (5) months probation.
- (9) Thirty-four (34) points will result in eight (8) months suspension and four (4) months probation.
- (10) Thirty-six (36) points will result in nine (9) months suspension and three (3) months probation.
- (11) Thirty-eight (38) points will result in ten (10) months suspension and two (2) months probation.
- (12) Forty (40) or more points will result in eleven (11) months suspension and (1) month probation.
- (13) Forty (42) or more points will result in twelve (12) months suspension.

(c) If, during any twelve (12) month period, a driver has committed three (3) moving traffic offenses, the bureau may, upon written notice, require the driver to submit to an administrative hearing.

(d) The conviction or judgment for a traffic violation shall remain a part of the driver's record for a period of ten (10) years from the conviction or judgment date even though, for purposes of this rule, the points assessed **shall become inactive twenty-four (24) months after the administrative assessment date or court conviction date.** ~~were invalidated in accordance with this rule.~~ *(Bureau of Motor Vehicles; 140 IAC 1-4.5-4; filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; filed Sep 5, 1995, 12:00 p.m.: 19 IR 6; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 902; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

SECTION 2. 140 IAC 1-4.5-10 IS AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-10 Point value table

Authority: IC 9-14-2-2

Affected: IC 7.1-5-7-7; IC 9-19; IC 9-21; IC 9-24; IC 9-25; IC 9-26-1; IC 9-30; IC 14-15; IC 35-42; IC 35-43-1-2; IC 35- 44-3-3; IC 35-48-4

Sec. 10. (a) The bureau will periodically update the point value table, as needed, with the assistance of the point study committee. Points assessed in subsection (d), Table 1 shall be for:

- (1) violations of Indiana traffic statutes or local ordinances; or
- (2) out-of-state violations reported to the bureau from any state for which an equivalent offense exists in Indiana.

(b) Requirements for recording conviction records shall be as follows:

- (1) All records of traffic convictions received by the bureau from the court entering judgment or conviction shall be recorded based upon the Indiana Code cite.

(2) Leaving the scene of an accident under IC 9-26-1 shall be treated as an accident in excess of ~~seven hundred fifty dollars (\$750)~~ **one thousand dollars (\$1,000)** requiring a mandatory suspension unless the accident is specifically designated on the record of conviction as less than ~~seven hundred fifty dollars (\$750)~~ **one thousand dollars (\$1,000)**.

(3) Suspensions, whether issued by the bureau or a court of competent jurisdiction, shall run concurrently unless the administrative hearing officer or court judge specifically designates that the suspensions run consecutively.

(4) Property damage or personal injury shall not be presumed to have occurred when assessing points for reckless driving violations unless such property damage or personal injury is specifically indicated on the record of conviction by the court.

(5) All equipment violations shall be imputed to the driver of the vehicle.

(c) Any traffic violation that is subject to statutory change shall retain the same point designation until the regulations are amended unless such traffic violation is entirely repealed by the statutory change whereby no points shall be assessed for that violation.

(d) Table 1, establishing the point value system, shall be as follows:

Table 1.

Indiana Code Cross Reference	Description of Violation	Point Value ²
7.1-5-7-7 9-24-18-12	Possessing, consuming, or transporting alcohol while operating a motor vehicle by an individual less than 21 years of age	6 + MS
9-19-3-1 et seq. (formerly 9-8-6-32, 9-8-6-33, 9-8-6-34)	Equipment violation with respect to brakes	4
9-19-4-1 et seq. (formerly 9-8-6-37.5)	Bumper violation	2
9-19-5-6 (formerly 9-8-6-41)	Failure of commercial vehicle to carry required emergency equipment	2
9-19-6-1 et seq. 9-21-7-1 et seq. (formerly 9-8-6-1 et seq.)	Equipment violation w/ respect to vehicle lights, reflectors, stop lights, warning signals; failure to use when required	2
9-19-7-1 9-21-10-9 (formerly 9-8-9-3.1)	No motorcycle headgear or protective eye wear (under 18 years of age)	4
9-19-7-2 (formerly 9-8-9-4)	Motorcycle equipment violation	2
9-19-8-1 et seq. (formerly 9-8-6-36.6)	Muffler violation	2
9-19-11-2 9-19-11-3 [IC 9-19-11-3 was repealed by P.L.146-2009, SECTION 7, effective July 1, 2009.] (formerly 9-8-13-2, 9-8-13-3)	Child restraint violation	8
9-21-3-7 9-21-3-8 9-21-3-9 9-21-3-10 9-21-3-11 (formerly 9-4-1-35)	Disregarding traffic control signal	4
9-21-4-11 9-21-4-17 9-21-4-18	Failure to yield; failure to obey stop or yield signs	6

9-21-8-29		
9-21-8-30		
9-21-8-31		
9-21-8-32		
9-21-8-33		
9-21-8-34		
9-21-8-35(a)		
9-21-8-36		
(formerly 9 4 1 81, 9 4 1 82, 9 4 1 83, 9 4 1 84 [sic., 9 4 1 84], 9 4 1 85, 9 4 1 87, 9 4 1 110)		
9-21-8-35(b)	Failure to change lanes or decrease speed when approaching a stationary emergency, recovery, or maintenance vehicle	8
9-21-8-35(c)	Improper passing in violation of clearly visible signs or markings	4
9-21-4-12		
9-21-4-13		
9-21-4-18		
(formerly 9 4 1 70)		
9-21-4-16	Disregarding stop sign at railroad crossing	6
9-21-4-18		
(formerly 9 4 1 107)		
9-21-5-1	Misc. speeding violations:	
9-21-5-2	Excessive speed not indicated	2
9-21-5-3	1–15 MPH in excess of limit	2
9-21-5-4	16–25 MPH in excess of limit	4
9-21-5-5	Over 25 MPH in excess of limit	6
9-21-5-6		
9-21-5-11		
9-21-5-12 (formerly 9 4 1 57)		
9-21-5-7	Minimum speed violation, slow vehicle in improper lane	2
9-21-5-8		
9-21-5-9		
9-21-8-2(b)		
(formerly 9 4 1 59, 9 4 1 63(5))		
9-21-5-10	Unsafe speed on bridge or elevated structure	4
(formerly 9 4 1 60)		
9-21-6-1	Speed contest on streets or highways (drag racing)	8
(formerly 9 4 6 2)		
9-21-8-1	Disregarding police officer directing [sic.] Failure to comply with order of law enforcement officer	6
(formerly 9 4 1 24)		
9-21-8-2(a)	Driving on left side of road when not permitted	4
(formerly 9 4 1 63)		
9-21-8-4	Improper passing of another vehicle proceeding in opposite direction on two lane highway	4
(formerly 9 4 1 65)		
9-21-8-5	Improper passing (cutting in);refusing to give way to overtaking vehicle	4
(formerly 9 4 1 66)		
9-21-8-6	Improper passing to the right	4
(formerly 9 4 1 67)		
9-21-8-7	Improper passing to the left interfering with safety of oncoming traffic on the left	6
(formerly 9 4 1 68)		
9-21-8-7.5	Failure to merge at work site Worksite no passing	8
9-21-8-8	Driving to the left of center on 2-way roadway (special conditions)	4
(formerly 9 4 1 69)		
9-21-8-9	Wrong way on a 1-way roadway	4

(formerly 9 4 1 71(b))		
9-21-8-10	Driving left of rotary island	4
(formerly 9 4 1 71)		
9-21-8-11	Improper driving on roadways with traffic lanes	4
(formerly 9 4 1 72)		
9-21-8-12	Lane restriction violation by truck	4
9-21-8-13		
(formerly 9 4 1 64)		
9-21-8-14	Following too closely	6
9-21-8-15		
9-21-8-16		
(formerly 9 4 1 73)		
9-21-8-18	Entrance or exit violation on limited access highways	4
(formerly 9 4 1 74)		
9-21-8-21	Improper turn at intersection	4
(formerly 9 4 1 75)		
9-21-8-22	U-turn on curve or crest of grade, visibility less than 750 feet	4
(formerly 9 4 1 76)		
9-21-8-23	Unsafe start from parked position	4
(formerly 9 4 1 77)		
9-21-8-24	Failure to signal when required, improper signal	2
9-21-8-25		
9-21-8-26		
9-21-8-27		
9-21-8-28		
(formerly 9 4 1 78,		
9 4 1 79, 9 4 1 80)		
9-21-8-37	Driver fails to exercise due care to avoid pedestrian	
	Failure to exercise due care for pedestrian	6
(formerly 9 4 1 89)		
9-21-8-39	Disregarding signal indicating approach of train	6
(formerly 9 4 1 106)		
9-21-8-40	Failure of commercial vehicle or other special vehicle to stop at	
9-21-12-5	railroad crossing	8 + MS
(formerly 9 4 1 108, 9 4 1 109)		
9-21-8-41	Disregarding official traffic control device	6
(formerly 9 4 1 33)		
9-21-8-50	Reckless driving while operating a tractor-trailer combination	8
(formerly 9 4 1 73(b))		
9-21-8-51	Failure to dim bright or blinding lights	4
(formerly 9 4 1 56.2)		
9-21-8-52(a)	Reckless driving	6
(formerly 9 4 1 56.1)		
9-21-8-52(b)	Reckless driving with damage to property or personal injury	8 + MS
(formerly 9 4 1 56.1)		
9-21-9-4	No flashing amber or red light on slow moving vehicle when	
9-19-16-4	other lights not required (this is in addition to slow moving emblem)	2
(formerly 9 8 10 4)		
9-21-10-1	Motorcycle passenger violation	4
(formerly 9 8 9 2(a))		
9-21-10-3	Carrying package or parcel on motorcycle (both hands not on	
handlebars)	Carrying articles preventing proper use of handlebars	4
(formerly 9 8 9 2(e))		
9-21-10-5	Operating motorcycle without headlamp illuminated	2
(formerly 9 8 9 2(e))		

9-21-10-6 (formerly 9-8-9-2(f))	Operating motorcycles three or more abreast in single lane	4
9-21-10-6 (formerly 9-8-9-2(f))	Depriving motor vehicle (including motorcycle) of full lane usage	4
9-21-12-1 (formerly 9-4-1-123)	Passing of school bus while loading or unloading	8
9-21-12-1 (formerly 9-4-1-123)	Passing of school bus when arm signal is out	8
9-21-16-7	Failure to park properly at right hand curb or in violation of parking restrictions posted by official signs (highway or street only)	2
9-21-16-8 (formerly 9-4-1-115)		
9-24-1-6 (formerly 9-1-4-26)	Operating without valid commercial license	8
9-24-6-15	Operating a commercial motor vehicle with a BAC above .04	8
9-24-6-16	Operating a commercial motor vehicle while disqualified	8
9-24-7-2 (formerly 9-1-4-33(b))	Driver education permit violation	4 + AH
9-24-7-3 (formerly 9-1-4-33(c))	Learner permit violation	4 + AH
9-24-8-2 (formerly 9-1-4-33.1)	Temporary motorcycle learner permit violation	4 + AH
9-24-8-3 (formerly 9-1-4-33.2)	Motorcycle learner permit violation	4 + AH
9-24-8-4 (formerly 9-1-4-33.3)	Improper motorcycle license endorsement	6
9-24-11-3	Probationary license violation (under 18 years of age)	4
9-24-11-7	Violation of driver license restriction or mechanical control device requirement	4
9-24-11-8(b) (formerly 9-1-4-37)		
9-24-18-1 (formerly 9-1-4-26.5)	Operating without ever having a valid license	6 + AH MS
9-24-18-2 (formerly 9-1-4-47)	Misuse of license; use of false information; unauthentic license	8 + AH
9-24-18-3	Permitting unlicensed person to operate a motor vehicle	4 + AH
9-24-18-4 (formerly 9-1-4-49 [sic., 9-1-4-51])	Permitting unlawful use of a motor vehicle	4
9-24-18-5 (formerly 9-1-4-52)	Driving while license is suspended or revoked	8 + MS
9-24-18-8 (formerly 9-1-7-2)	Unlawful use of license to obtain alcohol	8 + MS
9-25-4-1	Suspension of license and registration for violation of financial responsibility requirements	2 + MS
9-25-8-5	Leaving the scene of accident; failure to give information; failure of other duties (personal injury, death, or property damage more than \$750 total)	8 + MS
9-26-1-1		
9-26-1-2		
9-26-1-3		
9-26-1-3		
9-26-1-4 (formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44)		
9-26-1-2	Leaving the scene of accident; failure to give information; failure of other duties (property damage only, less than \$750 total)	8
9-26-1-3		
9-26-1-4 (formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44)		
9-30-4-8	Operating a vehicle with suspended registration;	8 + AH

(formerly 9-2-1-30)	violation of conditions of a restricted license	
9-30-5-1	Operating with BAC above .10 or with	8 + MS
(formerly 9-11-2-1)	controlled substance in bloodstream (Per Se)	
	Per se Operating while Intoxicated (OWI)	
9-30-5-2	Operating while intoxicated (OWI) OWI	8 + MS
(formerly 9-11-2-4 [sic., 9-11-2-2])		
9-30-5-3	OWI with Per Se or OWI conviction in past 5 years	8 + MS
(formerly 9-11-2-3)		
9-30-5-4	Per Se or OWI resulting in causing injury to another	8 + MS
(formerly 9-11-2-4)		
9-30-5-5	Per Se or OWI resulting in causing death of another	8 + MS
(formerly 9-11-2-5)		
9-30-5-6	Violation of probationary license (HTV)	8 + MS
9-30-5-13 (formerly 9-11-2-6)		
9-30-5-7	Interlock device violation	8
(formerly 9-11-2-7)		
9-30-5-8	Tampering with interlock device	8
(formerly 9-11-2-8)		
9-30-5-8.5	Operating with at least BAC .02%, but less than BAC .10% (under 21 years of age) Under 21	6
9-30-10-16	Operating a vehicle while suspended as a	8 + MS
9-30-10-17	habitual traffic violator	
(formerly 9-12-3-1)		
9-30-13-1	Criminal recklessness with vehicle	8 + MS
35-42-2-2 (9-30-13-1 was formerly 9-4-1-54.5)		
9-30-13-2	Obstruction of traffic causing injury or death	8 + MS
35-42-2-4 (9-30-13-2 was formerly 9-4-1-54.5)		
9-30-13-3	Criminal mischief with vehicle	8 + MS
35-43-1-2 (9-30-13-3 was formerly 9-4-1-54.5)		
9-30-13-4	Involuntary manslaughter with a vehicle	8 + MS
35-42-1-4 (9-30-13-4 was formerly 9-4-1-54.5)		
9-30-13-4	Reckless homicide with a vehicle	8 + MS
35-42-1-5 (9-30-13-4 was formerly 9-4-1-54.5)		
9-30-15-3	Open container violation	6
9-30-15-4		
13-7-13-4	Unlawful transportation of hazardous waste	4 + MS
<i>[IC 13-7-13-4 was repealed by P.L. 1996, SECTION 99, effective July 1, 1996]</i>		
14-15-8-8	Operating a personal watercraft or motorboat while intoxicated	8 + MS
14-15-8-13		
14-15-12-5		
14-15-8-9	Operation of motorboat after being ordered not to operate	8
14-15-8-10		
14-15-12-5	Dangerous operation of a personal watercraft or motorboat	8
14-15-12-10	Unsafe operation of personal watercraft	8
20-9.1-5-10	Speeding in school bus:	
	Speed not indicated	6
	1-15 MPH in excess of limit	6
	Over 15 MPH in excess of limit	8

20-9.1-5-11	Failure of school bus to stop at railroad crossing	8 + MS
20-9.1-5-12	Stopping school bus to load or unload on left of 1-way thoroughfare	4
20-9.1-5-14	Improper use or failure of school bus to display stop arm signal	4
20-9.1-5-15	Improper use or failure of school bus to use directional signals	4
20-9.1-5-16	Improper use or failure of school bus to use red flashing warning lights	4
35-44-3-3(b)	Resisting law enforcement in vehicle	8 + MS

The court has the authority to suspend an individual's driver license on any traffic violation.

~~Abbreviations have the following meaning:~~

~~"AH" means automatic hearing.~~

"MS" means mandatory suspension for a period of time up to one (1) year or as provided by statute or court order.

(Bureau of Motor Vehicles; 140 IAC 1-4.5-10; filed Sep 5, 1995, 12:00 p.m.: 19 IR 8; readopted filed Oct 17, 2001, 4: IR 903; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

SECTION 3. THE FOLLOWING ARE REPEALED: 140 IAC 2-1-13; 140 IAC 2-3-6; 140 IAC 4-3-1; 140 IAC 7-3-16.5.