

TITLE 140 BUREAU OF MOTOR VEHICLES

ARTICLE 1. SAFETY RESPONSIBILITY DIVISION

Rule 1. Administrative Hearing Procedure

140 IAC 1-1-1 Time and place of hearings (Repealed)

Sec. 1. *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*

140 IAC 1-1-2 Notice of hearing; service; contents (Repealed)

Sec. 2. *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*

140 IAC 1-1-3 Service on attorney

Authority: IC 9-14-2-2

Affected: IC 9-24; IC 9-25; IC 9-30

Sec. 3. (a) No person other than a party respondent or an attorney who is duly admitted to practice law in this state shall be permitted to participate in any hearing other than as a witness and at the request of one (1) of the parties.

(b) Whenever the commissioner, the commissioner's deputies, or the hearing officer has had notice that the respondent is represented by an attorney with regard to a particular administrative cause, all correspondence, including notices, information, or orders of the commissioner, shall be addressed to such attorney in behalf of the attorney's client, except that a copy of any order of suspension or probation shall also be mailed to the last known and reported address of such respondent as shown on the records of the bureau of motor vehicles. *(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule III; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 94; filed Nov 26, 1996, 4:35 p.m.: 20 IR 934; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-1-4 Subpoenas (Repealed)

Sec. 4. *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*

140 IAC 1-1-5 Continuances

Authority: IC 9-14-2-2

Affected: IC 9-24; IC 9-25; IC 9-30

Sec. 5. CONTINUANCES. (1) One continuance may be had by any respondent upon any reasonable request in writing stating in simple statement the ground or grounds therefore, and shall set out such request in motion form and shall be submitted in duplicate, at least five (5) days prior to the scheduled date of the hearing, except under subsection (2).

(2) One motion may be had, in addition to any other provision under this rule (except under subsection (3)) where the respondent or his attorney is taken by surprise concerning evidentiary matters at or during the scheduled hearing and upon notice in writing by such respondent or his attorney, and presented to the Hearing Officer in motion form.

(3) A motion for continuance based on evidentiary matters or the lack or absence thereof, or upon the temporary non-availability of any evidence or witness, shall state briefly in the grounds therefore what the evidence or testimony would prove or tend to prove at the scheduled hearing and shall show on the face of such written motion the competency, relevancy or materiality of such evidence or testimony in relation to the matters to be heard at such scheduled hearing.

(4) In ruling on any motion for continuance, the Hearing Officer shall endorse such ruling across the face of the motion and shall date and sign such ruling.

(5) Wherever any motion for continuance is submitted in duplicate by mail to the Hearing Officer, such Hearing Officer shall endorse his ruling on both copies and sign and date same, returning the carbon copy to the respondent or his attorney. *(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule V; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 96; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-1-6 Admissibility and presentation of evidence

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-28; IC 9-30

Sec. 6. (a) Any evidence, oral or documentary, which will tend to prove or disprove the citation or complaint against the respondent shall be admissible into evidence at the scheduled hearing; excepting only, that no evidence shall be admitted to collaterally attack any criminal conviction or any judgment pertinent to the matters being heard, other than by authenticated or certified judicial record showing on the face thereof either of the following:

(1) That the convicting court or the court rendering judgment did not have jurisdiction to so convict or to render such judgment.

(2) That such convicting court or the court rendering judgment has not, in fact, rendered a determination of conviction or rendered a final judgment in such cause, and that such cause is still pending.

(b) Any matter appearing on the records of the bureau of motor vehicles shall be admissible and shall be prima facie evidence of the matters to which the said records relate on the face thereof.

(c) As used in this rule, "records of the bureau of motor vehicles" includes and means the same as the statutory language: "x x x on the records of his department, x x x", under IC 9-25, and both of these phrases as used in this rule means any and all of the driving case histories of any person or party contained in the files and records of the bureau of motor vehicles. The term includes such matters as the following:

(1) Accident reports and records.

(2) Abstracts and notices of convictions for violation of any motor vehicle law received from official sources in this or other states.

(3) Applications for any type or class of current driving privilege.

(4) Authenticated reports of judgments for damages as defined in IC 9-25.

(5) Medical examination reports, including eye or visual ability.

(6) Public health records.

(7) Mental health records and reports.

(8) Written examination test results or reports.

(9) Demonstrated driving ability test grades, results, or reports.

(10) Any other reports, records, or results received or requested from authorized or official sources.

(11) Any action taken by the bureau of motor vehicles upon such report, record, result, abstract, notice, application, or grade.

(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule VI; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 96; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; filed Nov 26, 1996, 4:35 p.m.: 20 IR 934; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 1-1-7 Record of hearing

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 7. (a) There shall be made a tape recording of the entire course of the scheduled hearing, including all testimony, offers of evidence, objections, and any rulings with regard thereto.

(b) The transcript, consisting of the reduction to writing of all matters on such tape recording, together with any exhibits, written notices, pleadings, motions, requests, or other such papers filed, exclusive of briefs and arguments of law, and together with the hearing officer's findings of fact, and final order of determination, shall constitute the complete and exclusive record of such hearing.

(c) A recording and/or transcript shall be available to all parties for examination and shall be retained intact in the custody of the bureau of motor vehicles for a period of not less than forty-five (45) days from date upon which the final order of determination was issued.

(d) Any party may obtain a copy of such recording and/or transcript at such party's written request and expense.

(e) Such request for a recording shall contain a written promise to pay for the reasonable and actual cost of making such recording. The failure to pay for such cost of recording shall render the request for such recording canceled.

(f) Any transcript or copy thereof derived from any recording of an administrative hearing under this rule shall be provided

by the bureau of motor vehicles, and the cost of such transcript or such copy thereof shall be the actual expense required to reduce such recording to writing, or to copy such original transcript as the case may be.

(g) Any transcript or any copy thereof so derived from any recording of an administrative hearing under this rule shall be certified by the commissioner as being full, complete, and true and correct transcript of the said hearing over said commissioner's signature and such certification shall have the seal of the bureau of motor vehicles affixed thereto.

(h) At all hearings, the record of the administrative cause shall consist of any documentary evidence introduced and admitted, together with the notice of hearing, all pleadings, records of the bureau of motor vehicles considered at such hearing, and the hearing officer's findings of fact, and the final order of determination based thereon. All motions submitted in writing by any party shall also be included and considered a part of such record, together with any ruling thereon endorsed on the face thereof. (*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule VII; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 98; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 900; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-1-8 Presiding officer; powers

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 8. The hearing officer shall have the following hearing powers in accordance with the provisions of the applicable statutes:

- (1) To report to the commissioner that, based on such findings of fact, the respondent's current driving license has been:
 - (A) suspended or revoked for any period not exceeding one (1) year;
 - (B) placed under probation conditioned upon respondent's future good driving and driving good behavior for any period not exceeding one (1) year;
 - (C) continued in full force and effect there being no basis for further consideration of respondent's driving privileges at this time;
 - (D) in proper cases, suspended or restricted for an indeterminate period of time until respondent will have taken and passed written driving examinations or actual driving tests or has produced medical reports sufficient to assure the commissioner of the bureau of motor vehicles that respondent is possessed of sufficient physical or mental ability to operate a motor vehicle in a safe and sane manner; or
 - (E) provided, however, that the total determinate period of suspension and/or probation shall not exceed one (1) year.
- (2) To allow respondent, following the hearing officer's announcement of findings of fact and order of determination, to surrender his or her current motor vehicle operator's license to the hearing officer at the close of such hearing so as to begin the running of the period of suspension from the date of the hearing, which date shall be counted as the first day of such suspension.
- (3) To take any motion on the matters heard under advisement for a reasonable period of time, which action shall have the effect of continuing the cause status quo.
- (4) To withhold action in making the hearing officer's findings of fact or final determination pending the introduction of more evidence, which action shall have the effect of continuing the cause status quo.

(*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule VIII; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 99; filed Nov 26, 1996, 4:35 p.m.: 20 IR 935; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-1-9 Findings of fact

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3

Sec. 9. FINDINGS OF FACT. (1) The Hearing Officer shall, after hearing and considering all evidence introduced upon each issue of fact at the administrative hearing, make and prepare findings of fact which shall encompass the relevant facts shown by the evidence. Such a finding of facts shall relate and refer to the allegations set forth in the citation and notice and/or the complaint issued to respondent in the administrative cause. (*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule IX; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 100; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-1-10 Hearing officer; determination

Authority: IC 9-14-2-2

Affected: IC 9-24; IC 9-25; IC 9-30

Sec. 10. (a) Based on findings of fact found in the administrative cause and as a logical conclusion drawn therefrom, the hearing officer shall, in his or her sound discretion, determine the current driving license of the respondent be:

- (1) continued in full force and effect, with no suspension or restriction or probation of driving privilege issued against such license;
- (2) suspended for a definite period of time not exceeding one (1) year in duration;
- (3) placed under probation for a period of time not exceeding one (1) year and conditioned upon the respondent's future good driving and driving good behavior during such period;
- (4) suspended or restricted for such an indefinite period of time until the respondent shall:
 - (A) have taken and passed a written driving examination;
 - (B) have taken and passed an actual driving ability test; or
 - (C) have produced written medical reports sufficient to assure the bureau of motor vehicles that the respondent is possessed of the requisite physical and/or mental faculties to operate a motor vehicle over the public streets and highways in a safe and sane manner; or
- (5) provided, however, that the hearing officer shall not determine a total period of suspension and probation of the respondent's current driving privilege for a definite period in excess of one (1) year for either or both such period of suspension and/or probation.

(b) The hearing officer's determination of suspension, restriction, or probation of the respondent's current driving license shall be exclusive of any period or periods for which proof of financial responsibility in the future must be filed with the bureau of motor vehicles by operation of law. (*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule X; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 100; filed Nov 26, 1996, 4:35 p.m.: 20 IR 936; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-1-11 Final orders

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 11. (a) The hearing officer's report, including the hearing officer's findings of fact and determination, shall constitute the final order of determination of the administrative cause.

(b) A suspension, where so ordered by the hearing officer's final order of determination, shall be issued as a regulation of the respondent's driving habits and shall be issued for a definite period, which period shall begin as follows:

- (1) In those cases where the respondent has surrendered his or her current motor vehicle operator's license to the court at the time of his or her conviction of a violation of any motor vehicle traffic law, and where such convicting court has forwarded such license to the bureau of motor vehicles, such period of suspension shall begin as of the date such license was first surrendered to such court following conviction.
- (2) In those cases where the respondent has voluntarily surrendered his or her motor vehicle operator's license to the hearing officer following such hearing officer's findings of fact and determination of a period of suspension made known to the respondent at the conclusion of such administrative hearing, such suspension shall begin as of the date such license was first surrendered to the hearing officer.
- (3) In those cases where the respondent has not surrendered his or her motor vehicle operator's license to either the convicting court following conviction of a traffic offense, or to the hearing officer following a finding of facts and determination of suspension, such period of suspension shall begin on the date indicated in the court order, hearing officer's finding of fact and determination, or final order issued by the commissioner.
- (4) In those cases where the respondent is required by the Indiana motor vehicles safety responsibility and driver improvement act to file proof of financial responsibility, the period of suspension shall be deemed to be extended to cover any period during which such proof:
 - (A) shall not be filed as required by law; or
 - (B) lapsed or otherwise failed to provide the ability to respond in damages as required by law.

(5) In those cases where the respondent obtains any stay order, restraining order, or temporary injunction against the commissioner to prevent or to avoid the effect of a suspension of the respondent's motor vehicle operator's license, such stay order, restraining order, or temporary injunction shall have the effect of tolling the period of suspension until such stay order, restraining order, or temporary injunction is lifted or removed or until the issuing court enters a final order following a full judicial review reversing or modifying the final order of determination previously issued by the commissioner.

(c) A suspension, where so ordered by the commissioner's final order of determination for an indefinite period of time shall be terminated, and the respondent's current motor vehicle operator's license reinstated, upon the fulfillment of the requirements set forth in such order. Such a determination by the hearing officer and such a final order of determination shall be applicable only to a findings of fact that indicates the respondent is:

(1) a person who appears to be afflicted with, or suffering from, such physical or mental infirmity, disability, or disease that serves to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating such vehicle over the public streets and highways; or

(2) because of a repetitive and continuing record of motor vehicle accidents and/or traffic violation convictions, a person whose continued operating of a motor vehicle on the public streets and highways would be inimical to the public safety or welfare.

(d) Where a final order of determination has been issued by the commissioner in the nature of an indefinite period of suspension, the termination of which is conditioned upon the fulfillment of certain requirements, such requirements shall be specifically stated on the face of the order, and may include, but need not necessarily be limited to, the following:

(1) The respondent's taking and passing a written driving examination.

(2) The respondent's taking and passing an actual driving ability test.

(3) The respondent's taking, passing, and producing a report of medical examination or judicial determination sufficient to assure the commissioner of the bureau of motor vehicles that he or she is possessed of the requisite physical and/or mental faculties to operate a motor vehicle over the public streets and highways safely and sanely.

(e) In those cases where an indefinite period of suspension has been ordered under subsections (c) and (d), and where such respondent shall have been only partially successful in fulfilling the requirements set forth in such indefinite order of suspension, the hearing officer may, after due notice and hearing as prescribed in this rule, issue an order that the respondent be permitted to drive a motor vehicle but only under restrictions suitable to the respondent's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the respondent may operate, or the commissioner may order that the respondent operate a motor vehicle under such other restrictions as the commissioner may to be appropriate to assure the safe operation of such motor vehicle by the respondent on the public streets and highways.

(f) Upon the issuance of the final order as contemplated under subsection (e), a motor vehicle operator's license shall be issued to the respondent, which shall contain the specific restrictions of the respondent's operating privileges set out on the face thereof. *(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule XI; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 101; filed Nov 26, 1996, 4:35 p.m.: 20 IR 936; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 901; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-1-12 Petition for reconsideration or rehearing

Authority: IC 9-14-2-2

Affected: IC 9-24; IC 9-25; IC 9-30

Sec. 12. APPEAL FOR RECONSIDERATION OR ADMINISTRATION RE-HEARING. (1) Any respondent considering himself aggrieved because of an order of suspension of current driving privileges arising out of an administrative hearing, may, upon timely petition to the Commissioner, be granted a Reconsideration or an Administrative Re-hearing of the matters previously heard, for the purpose of presenting facts, evidence, or reasons why the said order should be modified, amended, or cancelled.

(2) The Commissioner, upon timely notice to the respondent following the issuance of an order of suspension of respondent's current driving privileges arising out of an administrative hearing, may undertake a Reconsideration or an Administrative Re-hearing of the matters previously heard, for the purpose of considering a modification, amendment, or cancellation of the previously issued order of suspension. The suspension of driving privileges shall remain in effect pending final determination by the Commissioner of any appeal brought under subsection (1) and this subsection.

(3) "Timely", as used in this rule shall be understood to mean fifteen (15) days from the date of the final order of suspension mailed to the respondent.

(4) The filing or pendency of a petition for judicial review shall not remove the right of any party, including the Commissioner,

to take action for the Reconsideration or Administrative Re-hearing of the matters heard at the original administrative hearing, or remove the right of the Commissioner to modify, amend, or cancel the original order of determination within six (6) months of the date upon which such petition for judicial review was filed.

(5) The time for filing for judicial review of the final order of determination arising from the Reconsideration or Administrative Re-hearing shall be the same as the time for filing for such judicial review of the original order of determination in the original hearing and in accordance with the applicable statutes.

(6) An order of determination arising from a Reconsideration or Administrative Re-hearing shall result only:

(a) To sustain the period of suspension or probation or the restrictions previously ordered in the original administrative cause, or

(b) To cancel the previous order, or

(c) To reduce the previously determined period of suspension or probation, or

(d) To relax the nature or degree of restriction of the respondent in the operation of his motor vehicle.

(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule XII; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 103; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

Rule 2. Proof of Financial Responsibility; Filing Requirements

140 IAC 1-2-1 Definitions

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-14-1-1; IC 9-25-2-3; IC 9-25-4

Sec. 1. (a) The definitions in this section apply throughout this article and have the meaning described herein unless the context clearly indicates a different meaning.

(b) "Commissioner" means the commissioner of the bureau of motor vehicles of the state of Indiana.

(c) "Motor vehicle liability policy" means an owner's policy of liability insurance or an operator's policy of liability insurance issued by an insurance carrier duly authorized to transact business in the state, which policy contains the terms, conditions, and provisions required by the laws of this state.

(d) "Proof of financial responsibility" means proof of ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, or use of a motor vehicle in amounts not less than those specified under IC 9-25-2-3 and IC 9-25-4.

(Bureau of Motor Vehicles; Financial Responsibility Rule I; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 454; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 1-2-2 Minimum term of insurance

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-24; IC 9-25-4

Sec. 2. Whenever any person, by virtue of the laws of this state, is required to furnish proof of financial responsibility in the future as a condition precedent to the issuance of a drivers license, and such person elects to satisfy such requirement by furnishing proof that he or she is insured under a motor vehicle liability policy, he or she shall file with the commissioner, or cause to be filed on his or her behalf, a certificate from an insurance carrier duly authorized to do business in this state, certifying that the carrier has issued to him or her or for his or her benefit as the named insured, a motor vehicle liability policy providing coverage, which shall not be less than prescribed by law. Any policy issued by any carrier to satisfy the requirements of the law governing proof of financial responsibility shall be issued for a period of not less than ninety (90) days. *(Bureau of Motor Vehicles; Financial Responsibility Rule II; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 902; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-2-3 Minimum term of reinstatement insurance

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-25

Sec. 3. Whenever a certificate as described in section 2 of this rule has been filed with and accepted by the bureau of motor vehicles, and thereafter such certificate is cancelled, withdrawn, or nullified by the insured or by the carrier when permitted under these rules or applicable law, no new certificate evidencing proof of insurance shall be accepted from or on behalf of the insured unless the original carrier or an alternate carrier has issued a new or reinstated motor vehicle liability policy providing coverage for a period of not less than ninety (90) days. *(Bureau of Motor Vehicles; Financial Responsibility Rule III; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 902; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-2-4 Form of proof of financial responsibility

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-25-4-7

Sec. 4. PRESCRIBED FORM FOR FILING PROOF OF FINANCIAL RESPONSIBILITY. Any certificate or document intended to be filed as proof that a driver has been issued a motor vehicle liability policy as required by law shall be on a form prescribed or approved by the Commissioner and containing such information as the Commissioner may require. The certificate shall indicate that the carrier has specifically informed the insured driver of the cancellation restrictions imposed by these rules. *(Bureau of Motor Vehicles; Financial Responsibility Rule IV; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-2-5 License reinstatement fee (Repealed)

Sec. 5. *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*

140 IAC 1-2-6 Effective date (Repealed)

Sec. 6. *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*

Rule 3. Proof of Financial Responsibility; Methods of Proof

140 IAC 1-3-1 Method and amount of proof of financial responsibility; fault hearing (Repealed)

Sec. 1. *(Repealed by Bureau of Motor Vehicles; filed Aug 23, 1994, 10:45 a.m.: 18 IR 9)*

Rule 4. Point System for Indiana Traffic Convictions (Repealed)

(Repealed by Bureau of Motor Vehicles; filed Nov 9, 1983, 3:41 p.m.: 7 IR 34)

Rule 4.5. Point System for Indiana Traffic Convictions

140 IAC 1-4.5-1 Definitions

Authority: IC 9-14-2-2

Affected: IC 9-13-2

Sec. 1. Words and phrases used in 140 IAC 1-4.5 shall, for the purposes of 140 IAC 1-4.5, have the meanings defined in IC 9-2-1-2 [IC 9-2-1-2 was repealed by P.L.2-1991, SECTION 109, effective July 1, 1991. See IC 9-13-2.] except in those instances where the context clearly indicates a different meaning. *(Bureau of Motor Vehicles; 140 IAC 1-4.5-1; filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-4.5-2 Objective

Authority: IC 9-14-2-2; IC 9-24-2-3

Affected: IC 9-24-10-2

Sec. 2. The point system is established as an objective method of identifying the driver in need of improving his or her driving habits and to provide guidelines for restricting or suspending the driver's license or permit, or placing the driver on probation.

Points are numerical values assigned to various traffic convictions and judgments and assessed against the driver's record. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-2; filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-4.5-3 Point study committee

Authority: IC 9-14-2-2

Affected: IC 9-24-2-3

Sec. 3. The point study committee is appointed by the commissioner. The committee members shall serve on the committee for a term designated by the commissioner. The committee members shall be composed of traffic safety officials from the state of Indiana. The committee shall be composed of four (4) members and the commissioner. The commissioner shall act as chairman of the committee meetings. Meetings of the committee shall be set at such time and place as the commissioner shall designate. Points shall be assigned or reassigned values by the committee based upon the committee's evaluation of each traffic offense according to that offense's severity and history as a cause of accidents. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-3; filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-4.5-4 Point accumulation

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) A driver accumulating twelve (12) active points within a twelve (12) month period will automatically be placed on probation and will receive a notice from the bureau indicating that the accumulation of additional points may subject the driver to administrative action. A driver shall be on probation until such time as the active points fall below twelve (12) points.

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

(c) A driver accumulating eighteen (18) or more active points, after any credit earned by completion of a defensive driving course, within a twenty-four (24) month period shall, upon notice from the bureau, be cited for an administrative hearing.

(d) If, during any twelve (12) month period, a driver has committed three (3) moving traffic offenses (as defined in IC 9-30-3-14(a)) the bureau may, upon written notice, require the driver to submit to an administrative hearing.

(e) If the driver fails to successfully complete the probationary or suspension period, the points resulting from said probation or suspension may be considered by the administrative hearing officer until such time as any additional limitations placed upon the official driver's record have expired.

(f) 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 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*)

140 IAC 1-4.5-5 Out-of-state convictions or judgments

Authority: IC 9-14-2-2

Affected: IC 9-21; IC 9-24

Sec. 5. (a) Conviction or judgment of a moving traffic violation by an Indiana driver in any state shall be assessed against that driver's driving record.

(b) Those out-of-state convictions or judgments for moving violations for which Indiana has a corresponding violation shall be recorded on the Indiana driver's record. Points shall be assessed as if the Indiana driver had been convicted or had a judgment entered against him for a violation pursuant to Indiana law.

(c) No points shall be awarded for any out-of-state conviction or judgment for which Indiana does not have a corresponding violation. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-5; filed Nov 9, 1983, 3:41 p.m.: 7 IR 28; readopted filed Jul 30, 2001, 10:23*

a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 1-4.5-6 Hearings; reinstatement of suspended license

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3-4; IC 9-24-10

Sec. 6. (a) Factors considered by the hearing officer at the administrative hearing shall be as follows:

(1) All convictions or judgments listed on the driver's record that led to the accumulation of points shall be considered. The hearing is not open to a redetermination or collateral attack on those judgments or convictions.

(2) Evaluation of the driver's attitude.

(3) Evaluation of the number of miles driven by the driver during the period in which the excessive points were accumulated.

(4) Any other factors that:

(A) might have affected the individual's driving record; or

(B) may affect the individual's driving habits of the future.

(b) The hearing officer within his or her discretion for administrative hearings may:

(1) suspend the driving privileges of an individual for up to one (1) year and/or place the driving privileges of an individual on probation for up to one (1) year provided, however, that a combined period of suspension and probation not exceed one (1) year;

(2) require a driver to submit to an examination, in accordance with IC 9-24-10; or

(3) require a driver to attend and satisfactorily complete a driver improvement course.

(c) If the individual's license is suspended, the individual, after the suspension period has expired, may have his or her license reinstated by forwarding a reinstatement fee and satisfying all other applicable reinstatement requirements, in accordance with IC 9-29-13-1 [IC 9-29-13-1 was repealed by P.L.210-2005, SECTION 76, effective July 1, 2005.] to the bureau of motor vehicles. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-6; filed Nov 9, 1983, 3:41 p.m.: 7 IR 28; filed Sep 5, 1995, 12:00 p.m.: 19 IR 7; errata filed Nov 2, 1995, 3:00 p.m.: 19 IR 353; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 903; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-4.5-7 Defensive driving course; point credit for completion

Authority: IC 9-14-2-2

Affected: IC 9-24-2-3

Sec. 7. (a) An individual who has successfully completed and paid for the defensive driving course shall be awarded a four (4) point credit that will be entered on the driver's driving summary.

(b) The four (4) point credit shall remain in effect for a three (3) year period; however, the four (4) point credit may only be credited to the driver once every three (3) years for successfully completing the defensive driving course. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-7; filed Nov 9, 1983, 3:41 p.m.: 7 IR 29; filed Sep 5, 1995, 12:00 p.m.: 19 IR 7; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-4.5-8 Unlicensed drivers

Authority: IC 9-14-2-2

Affected: IC 9-24-1

Sec. 8. Any person who operates a motor vehicle in violation of Indiana statutes or local ordinances shall receive the same points or sanction including suspension of his or her driving privileges even though they do not actually hold a valid permit or license. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-8; filed Nov 9, 1983, 3:41 p.m.: 7 IR 29; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-4.5-9 Point value table (Repealed)

Sec. 9. (*Repealed by Bureau of Motor Vehicles; filed Sep 5, 1995, 12:00 p.m.: 19 IR 15)*

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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) requiring a mandatory suspension unless the accident is specifically designated on the record of conviction as less than seven hundred fifty dollars (\$750).

(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.
Point Value¹

Indiana Code Cross Reference	Description of Violation	Point Value ²
7.1-5-7-7	Possessing, consuming, or transporting alcohol while operating a motor	6 + MS
9-24-18-12	vehicle by an individual less than 21 years of age	
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 (formerly 9-8-13-2, 9-8-13-3)	Child restraint violation	8
9-21-3-7 9-21-3-8	Disregarding traffic control signal	4

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9-21-3-9		
9-21-3-10		
9-21-3-11		
(formerly 9-4-1-35)		
9-21-4-11	Failure to yield; failure to obey stop or yield signs	6
9-21-4-17		
9-21-4-18		
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, 9-41-1-84 [<i>sic.</i> , 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	8
9-21-8-35(c)	emergency, recovery, or maintenance vehicle	
9-21-4-12	Improper passing in violation of clearly visible signs or markings	4
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 [<i>sic.</i>]	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)		

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9-21-8-4 (formerly 9-4-1-65)	Improper passing of another vehicle proceeding in opposite direction	4
9-21-8-5 (formerly 9-4-1-66)	Improper passing (cutting in); refusing to give way to overtaking vehicle	4
9-21-8-6 (formerly 9-4-1-67)	Improper passing to the right	4
9-21-8-7 (formerly 9-4-1-68)	Improper passing to the left—interfering with safety of oncoming traffic	6
9-21-8-7.5	Failure to merge at work site	8
9-21-8-8 (formerly 9-4-1-69)	Driving to the left of center on 2-way roadway (special conditions)	4
9-21-8-9 (formerly 9-4-1-71(b))	Wrong way on a 1-way road	4
9-21-8-10 (formerly 9-4-1-71)	Driving left of rotary island	4
9-21-8-11 (formerly 9-4-1-72)	Improper driving on roadways with traffic lanes	4
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 (formerly 9-4-1-74)	Entrance or exit violation on limited access highways	4
9-21-8-21 (formerly 9-4-1-75)	Improper turn at intersection	4
9-21-8-22 (formerly 9-4-1-76)	U-turn on curve or crest of grade, visibility less than 750 feet	4
9-21-8-23 (formerly 9-4-1-77)	Unsafe start from parked position	4
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 (formerly 9-4-1-89)	Driver fails to exercise due care to avoid pedestrian	6
9-21-8-39 (formerly 9-4-1-106)	Disregarding signal indicating approach of train	6
9-21-8-40 9-21-12-5 (formerly 9-4-1-108, 9-4-1-109)	Failure of commercial vehicle or other special vehicle to stop at railroad crossing	8 + MS
9-21-8-41 (formerly 9-4-1-33)	Disregarding official traffic control device	6

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9-21-8-50 (formerly 9-4-1-73(b))	Reckless driving while operating a tractor-trailer combination	8
9-21-8-51 (formerly 9-4-1-56.2)	Failure to dim bright or blinding lights	4
9-21-8-52(a) (formerly 9-4-1-56.1)	Reckless driving	6
9-21-8-52(b) (formerly 9-4-1-56.1)	Reckless driving with damage to property or personal injury	8 + MS
9-21-9-4 9-19-16-4 (formerly 9-8-10-4)	No flashing amber or red light on slow moving vehicle when other lights not required (this is in addition to slow moving emblem)	2
9-21-10-1 (formerly 9-8-9-2(a))	Motorcycle passenger violation	4
9-21-10-3 (formerly 9-8-9-2(c))	Carrying package or parcel on motorcycle (both hands not on handlebars)	4
9-21-10-5 (formerly 9-8-9-2(e))	Operating motorcycle without headlamp illuminated	2
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 9-21-16-8 (formerly 9-4-1-115)	Failure to park properly at right hand curb or in violation of parking restrictions posted by official signs (highway only)	2
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 9-24-11-8(b) (formerly 9-1-4-37)	Violation of driver license restriction or mechanical control device requirement	4
9-24-18-1 (formerly 9-1-4-26.5)	Operating without ever having a valid license	6 + AH

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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 [<i>sic.</i> , 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	2 + MS
9-25-8-5	violation of financial responsibility requirements	
9-26-1-1	Leaving the scene of accident; failure to give information; failure of other	8 + MS
9-26-1-2	duties (personal injury, death, or property damage more than \$750 total)	
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	8
9-26-1-3	duties (property damage only, less than \$750 total)	
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 (formerly 9-2-1-30)	Operating a vehicle with suspended registration; violation of conditions of a restricted license	8 + AH
9-30-5-1 (formerly 9-11-2-1)	Operating with BAC above .10 or with controlled substance in bloodstream (Per Se)	8 + MS
9-30-5-2 (formerly 9-11-2-4 [<i>sic.</i> , 9-11-2-2])	Operating while intoxicated (OWI)	8 + MS
9-30-5-3 (formerly 9-11-2-3)	OWI with Per Se or OWI conviction in past 5 years	8 + MS
9-30-5-4 (formerly 9-11-2-4)	Per Se or OWI resulting in injury	8 + MS
9-30-5-5 (formerly 9-11-2-5)	Per Se or OWI resulting in death	8 + MS
9-30-5-6	Violation of probationary license (HTV)	8 + MS
9-30-5-13 (formerly 9-11-2-6)		
9-30-5-7 (formerly 9-11-2-7)	Interlock device violation	8
9-30-5-8 (formerly 9-11-2-8)	Tampering with interlock device	8
9-30-5-8.5	Operating with at least BAC .02%, but less than BAC .10% (under 21 years of age)	6
9-30-10-16	Operating a vehicle while suspended as a	8 + MS
9-30-10-17 (formerly 9-12-3-1)	habitual traffic violator	
9-30-13-1	Criminal recklessness with vehicle	8 + MS

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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.1-1996, 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

¹The court has the authority to suspend an individual's driver license on any traffic violation.

²Abbreviations 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, 4:46 p.m.: 25 IR 903; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

Rule 5. Procedures for Implementation and Conduct of Indiana's Pre-Motor Vehicle Registration Financial Responsibility Requirement

140 IAC 1-5-1 Definitions

Authority: IC 9-14-2-2

Affected: IC 9-13-1-2; IC 9-13-2-106; IC 9-18-2-16; IC 9-25-2-3; IC 9-25-4-10; IC 9-25-4-11

Sec. 1. (a) Proof of financial responsibility shall be either a motor vehicle insurance policy as outlined in IC 9-13-2-106 with limits equal to or in excess of the limits outlined in IC 9-25-2-3, certificate of self-insurance as outlined in IC 9-25-4-11, a deposit of money or securities as outlined in IC 9-25-4-10 or, in the case of common carriers or contract carriers, by department of revenue number.

(b) Motor vehicle registration shall be every motor vehicle required to be registered pursuant to IC 9-18.

(c) Produce for inspection shall mean that all individuals registering a motor vehicle with the state of Indiana shall execute an affirmation under penalty of perjury specifically indicating the registrant's motor vehicle insurance company and motor vehicle insurance policy number, the self-insurance certificate number, the cash bond number or department of revenue number whichever is applicable. The registrant may also provide a certificate of insurance, as required for an SR 22 filing, along with the registration form.

(d) Registration form shall be the form designated by the commissioner for application for registration of motor vehicle as outlined in IC 9-18-2-16; which form shall include an additional section for the affirmation of insurance, self-insurance, the cash bond number or department of revenue number whichever is applicable.

(e) The registrant's signature on the registration form shall act as the registrant's verification of registration and affirmation of insurance, self-insurance, cash bond number or department of revenue number.

(f) Certificate of insurance (SR 22) shall be a certificate prepared by the registrant's motor vehicle insurance company or motor vehicle insurance agent which certificate shall contain but is not limited to the name of the motor vehicle insurance company, the insured registrant's policy number, the effective dates of the policy of motor vehicle insurance, and the date the certificate was issued.

(g) Registrant shall be any individual registering a motor vehicle within the state of Indiana. (*Bureau of Motor Vehicles; 140 IAC 1-5-1; filed Dec 3, 1982, 2:13 p.m.: 6 IR 71; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-5-2 Providing proof of financial responsibility for motor vehicle; procedures

Authority: IC 9-14-2-2

Affected: IC 9-18; IC 9-25; IC 9-30-4-9

Sec. 2. (a) Upon registration of all motor vehicles with the state of Indiana either by mail or in person at a license branch, the registrant shall be required to execute the affirmation contained on the registration form.

(b) Based on this affirmation, the motor vehicle so registered may be operated upon the streets and highways of Indiana until the motor vehicle registration expires.

(c) Intentional falsification of any of the information required to meet this financial responsibility requirement shall result in the revocation of the registrant's registration certificate and plate along with suspension of the registrant's driver's license for a period of one (1) year in accordance with the authority granted by IC 9-30-4-9.

(d) Notwithstanding the provisions of subsection (c) above, the registrant who has had his license suspended may petition the commissioner of the bureau of motor vehicles in writing outlining the hardship created by the administrative suspension. The commissioner, within his discretion, based upon this hardship may grant the registrant an administrative hardship license with such restrictions as the commissioner may prescribe. (*Bureau of Motor Vehicles; 140 IAC 1-5-2; filed Dec 3, 1982, 2:13 p.m.: 6 IR 71; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-5-3 Financial responsibility requirement; intentional falsification of required information; hearing procedures

Authority: IC 9-14-2-2

Affected: IC 9-25; IC 9-30-4-10; IC 9-30-4-11

Sec. 3. (a) The bureau of motor vehicles, within the discretion of the commissioner, shall attempt to verify on a random basis the affirmations of financial responsibility.

(b) Upon a possible showing of falsification of any of the information required to meet the financial responsibility requirement, the commissioner or his designated representative will upon proper notice conduct an administrative hearing upon the falsification charge. If there is a showing at this hearing of sufficient evidence of falsification, the commissioner shall invoke the administrative penalty outlined in section 2(c) of this rule.

(c) Hearing procedures are as follows:

(1) Notice of administrative hearing shall be sent first class mail to the address utilized by the registrant on the application of registration.

(2) Failure to appear at the administrative hearing shall result in the suspension of the driver's license and registration plates of the individual cited for the administrative hearing. This suspension shall remain in effect until the individual has appeared at a rescheduled hearing and the charges against that individual have been disposed of.

(3) The administrative hearing will be conducted in an informal manner with a record of the proceedings being maintained.

(4) The commissioner or his designated representative shall upon the evidence presented issue specific findings and order which findings should specifically outline the probative evidence presented and upon which the order is based.

(5) All subpoenas and continuances associated with this administrative hearing shall be in accordance with 140 IAC 1-1-4 [140 IAC 1-1-4 was repealed filed Nov 26, 1996, 4:35 p.m.: 20 IR 938] and 140 IAC 1-1-5.

(d) All appeals shall be conducted under IC 9-30-4-10 and IC 9-30-4-11.

(e) If the evidence so warrants, the commissioner may certify his findings related to falsification of the financial responsibility statement to the prosecuting attorney of the falsifying registrant's county of residence for appropriate criminal prosecution within that prosecuting attorney's discretion. (*Bureau of Motor Vehicles; 140 IAC 1-5-3; filed Dec 3, 1982, 2:13 p.m.: 6 IR 71; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 909; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

Rule 6. Procedures for Implementation and Conduct of Indiana's Post-Motor Vehicle Registration Financial Responsibility Requirement (Repealed)

(*Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938*)

Rule 7. Self-Insurance

140 IAC 1-7-1 Definitions

Authority: IC 9-14-2-2

Affected: IC 9-13; IC 9-25

Sec. 1. The words and phrases as used in 140 IAC 1-7 shall have the following meanings:

"Administrator" means that person designated by the self-insurer to be responsible for administering the self-insurance program for motor vehicles.

"Commissioner" means the commissioner of the bureau of motor vehicles.

"Master self-insurance agreement" means an agreement issued by the commissioner to any association or church whose membership will be utilizing self-insurance to comply with the provisions of law and 140 IAC 1-7.

"Persons" means every natural person, firm, co-partnership, association or corporation. (*Bureau of Motor Vehicles; 140 IAC 1-7-1; filed Dec 21, 1983, 1:16 p.m.: 7 IR 563, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #83-94(F) was filed with the Secretary of State December 21, 1983.]; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 1-7-2 Requests for self-insurance

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 2. Any person desiring to qualify as a self-insurer must file a request for self-insurance with the bureau of motor vehicles for approval by the commissioner at least thirty (30) days prior to the date that any vehicle is anticipated to be registered. This request for self-insurance must include the following:

(1) The name and address of the person requesting to be self-insured and the name and address of the person who is designated

by the self-insurer as the administrator.

(2) The estimated number and type of vehicles to be self-insured.

(3) A certification by the administrator that he shall discharge all duties of the self-insurer required under these rules and by statute. Such certificates shall be provided on a form furnished by the bureau of motor vehicles.

(4) Any association or church that desires to be self-insured shall also provide the name and address of all persons who will be self-insured under a master self-insurance agreement.

(Bureau of Motor Vehicles; 140 IAC 1-7-2; filed Dec 21, 1983, 1:16 p.m.: 7 IR 563, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #83-94(F) was filed with the Secretary of State December 21, 1983.]; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 1-7-3 Financial collateral

Authority: IC 9-14-2-2

Affected: IC 9-25-4-10

Sec. 3. (a) No person shall be approved as a self-insurer unless certain minimum financial collateral is deposited either with the treasurer with receipt to the bureau of motor vehicles or with the bureau of motor vehicles. The minimum financial collateral to be furnished by the self-insurer is forty thousand dollars (\$40,000) for the first vehicle and twenty thousand (\$20,000) for each vehicle up to a maximum of one million dollars (\$1,000,000). Provided, however, that should the amount of collateral to be posted under IC 9-25-4-10 be increased or decreased then the amount of financial collateral to be deposited for the self-insured's initial vehicle shall be increased or decreased accordingly.

(b) Only the following shall be accepted as valid collateral for self-insurance purposes:

(1) United States currency or security as may be legally purchased by banks or for trust funds that has a market value of the amount required to be posted for collateral.

(2) Evidence of escrow deposits in favor of the bureau of motor vehicles in federal or state banks, credit unions, or savings and loan associations if federally insured; such escrow deposits shall be established only for the purpose of providing collateral to meet the obligations of the self-insurer.

(3) Irrevocable letter(s) of credit issued by any bank on behalf of the applicant for self-insurance.

(4) Surety bond.

(c) All currency shall be deposited by the bureau of motor vehicles with the treasurer of state. Such currency deposits shall not accumulate any interest while on deposit. *(Bureau of Motor Vehicles; 140 IAC 1-7-3; filed Dec 21, 1983, 1:16 p.m.: 7 IR 563, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #83-94(F) was filed Dec 21, 1983]; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-7-4 Payments from collateral

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 4. If the self-insurer is not able to discharge its legal obligations including judgments which result from the insurer's operation of a motor vehicle, the administrator may petition the commissioner to pay any of the outstanding obligations from the collateral posted by the self-insurer and held by the bureau of motor vehicles, or may cause the obligation to be paid out of any other collateral posted in accordance with these regulations. Any sums withdrawn from the collateral must be replaced within seventy-two (72) hours from the date of withdrawal in order to retain the certificate of self-insurance. *(Bureau of Motor Vehicles; 140 IAC 1-7-4; filed Dec 21, 1983, 1:16 p.m.: 7 IR 564, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #83-94(F) was filed with the Secretary of State December 21, 1983.]; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-7-5 Schedule of claims incurred; additional collateral

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 5. (a) Each self-insurer shall, at the time of application or renewal for self-insurance, furnish a schedule of all motor vehicle claims incurred during the preceding calendar year.

(b) The commissioner may determine that additional collateral above the minimum amount may be required to be furnished if the number or dollar amount of claims incurred by the self-insurer is determined to be excessive and could not be covered by the minimum requirements. However, this additional amount shall not exceed forty thousand dollars (\$40,000) per vehicle. *(Bureau of Motor Vehicles; 140 IAC 1-7-5; filed Dec 21, 1983, 1:16 p.m.: 7 IR 564, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #83-94(F) was filed Dec 21, 1983]; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-7-6 Master self-insurance agreement for churches and associations

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 6. (a) Any association or church that wishes to self-insure its members must be issued a master self-insurance agreement by the commissioner and said association or church shall be responsible for issuing a copy of the agreement to its members on a form furnished by the bureau.

(b) The commissioner is authorized to recover the cost of any forms furnished to the self-insurers for master self-insurance agreement purposes. *(Bureau of Motor Vehicles; 140 IAC 1-7-6; filed Dec 21, 1983, 1:16 p.m.: 7 IR 564, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #83-94(F) was filed with the Secretary of State December 21, 1983.]; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-7-7 Issuance of self-insurance certificate and number; renewal of certificate

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 7. The commissioner shall issue a self-insurance certificate and a self-insurance number to any person approved to receive such a certificate. Such certificate shall be renewed on January 2 of each year. *(Bureau of Motor Vehicles; 140 IAC 1-7-7; filed Dec 21, 1983, 1:16 p.m.: 7 IR 564, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #83-94(F) was filed with the Secretary of State December 21, 1983.]; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 1-7-8 Cancellation or refusal to renew certificate

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 8. (a) The commissioner is authorized to cancel or disapprove a renewal of a certificate of self-insurance if he finds that:

- (1) the self-insurer has inadequate collateral or has judgments from motor vehicle claims which exceed the amount of the collateral furnished; or
- (2) the self-insurer has filed bankruptcy; or
- (3) the self-insurer has an excessive number of claims for personal injury or property damage filed against self-insurer from the operation or ownership of a motor vehicle; or
- (4) the self-insurer has failed to pay any judgment within thirty (30) days; or
- (5) the self-insurer has had his or her driver's license or vehicle registration suspended or revoked in accordance with any provision of IC 9.

(b) The commissioner shall give at least fifteen (15) days notice and an opportunity for a hearing prior to taking final action on any denial or cancellation of a self-insurance certificate except where the self-insurer fails to maintain the collateral required by this rule. *(Bureau of Motor Vehicles; 140 IAC 1-7-8; filed Dec 21, 1983, 1:16 p.m.: 7 IR 564, eff Jan 2, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #83-94(F) was filed Dec 21, 1983]; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted*

filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

Rule 8. Standards and Specifications for Ignition Interlock Devices

140 IAC 1-8-1 Minimum standards

Authority: IC 9-14-2-2

Affected: IC 9-30-5-8; IC 9-30-8

Sec. 1. Each court in Indiana that has authority to order the installation of ignition interlock devices shall order the installation of devices that meet the following minimum standards and specifications:

- (1) Each device must be accurate.
- (2) Each device must not impede the safe operation of a vehicle.
- (3) Each device must provide a minimum opportunity to be bypassed.
- (4) Each device must show evidence of tampering if tampering is attempted.
- (5) Each device must have a label affixed by the manufacturer warning that a person tampering with or misusing the device is subject to civil and/or criminal penalty.

(Bureau of Motor Vehicles; 140 IAC 1-8-1; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1834; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 910; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 1-8-2 Specifications; levels

Authority: IC 9-14-2-2

Affected: IC 9-30-8

Sec. 2. Each court in the state of Indiana that orders the installation of an ignition interlock device shall certify that the ignition interlock device meets the specifications of section 1 of this rule for the installation in a motor vehicle. Each device shall be set to render the motor vehicle inoperable if the device detects two-hundredths percent (0.02%) or more by weight of alcohol in the blood of a person who offers a breath sample. *(Bureau of Motor Vehicles; 140 IAC 1-8-2; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1834; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

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