

# **TITLE 140 BUREAU OF MOTOR VEHICLES**

## **ARTICLE 1. SAFETY AND RESPONSIBILITY**

### **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#### **140 IAC 1-1-1 Time and place of hearings (Repealed)**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 *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*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 1-1-1.5 Definitions**

Authority: IC 4-21.5-3-35; IC 9-14-2-2

Affected: IC 4-21.5; IC 9-13; IC 9-14-3.5-6; IC 9-30-3-14; IC 9-30-10-3

Sec. 1.5. (a) The definitions in this section apply throughout this article.

(b) "Administrative law judge" has the meaning set forth in IC 4-21.5-1-2.

(c) "Bureau" has the meaning set forth in IC 9-13-2-16.

(d) "Certificate of compliance" has the meaning set forth in IC 9-13-2-19.

(e) "Commission" has the meaning set forth in IC 9-13-2-32.

(f) "Commissioner" has the meaning set forth in IC 9-13-2-33.

(g) "Conviction" has the meaning set forth in IC 9-13-2-38.

(h) "Digital image conflict" means situations in which a person's record contains two (2) or more images that appear to be of different people.

(i) "Driver's license" has the meaning set forth in IC 9-13-2-48.

(j) "Final agency action" has the meaning set forth in IC 4-21.5-1-6.

(k) "Hearing" means a proceeding as set forth in IC 4-21.5-1-13 conducted by a bureau designated hearing officer.

(l) "Hearing officer" means "administrative law judge" as set forth in IC 4-21.5-1-2.

(m) "Insured" has the meaning set forth in IC 9-13-2-82.

(n) "Judgment" has the meaning set forth in IC 9-13-2-89.

(o) "Order" has the meaning set forth in IC 4-21.5-1-9.

(p) "Motor vehicle liability policy" has the meaning set forth in IC 9-13-2-106.

(q) "Motor vehicle record" has the meaning set forth in IC 9-14-3.5-4.

(r) "Moving traffic offense" has the meaning set forth in IC 9-30-3-14.

(s) "Party" has the meaning set forth in IC 4-21.5-1-10.

(t) "Person" has the meaning set forth in IC 9-13-2-124.

(u) "Points" means the numerical values assigned for various traffic convictions and judgments that are assessed against a driver's record.

(v) "Points accumulation hearing" means a hearing conducted to address a driver's acquisition of points.

(w) "Proceeding" has the meaning set forth in IC 4-21.5-1-13.

(x) "Proof of financial responsibility" has the meaning set forth in IC 9-13-2-139.

(y) "Record" has the meaning set forth in IC 9-14-3.5-6.

(z) "Registrant" means an individual who is registering a vehicle with the state of Indiana.

(aa) "Self-insurance administrator" means the person that the self-insurer designates to be responsible for conducting business on behalf of the self-insurance program.

(bb) "Violation" has the meaning set forth in IC 9-30-10-3. *(Bureau of Motor Vehicles; 140 IAC 1-1-1.5; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

#### **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 1-1-2.5 Conduct of proceedings and hearings**

Authority: IC 4-21.5-3-35; IC 9-14-2-2; IC 9-30-4-14

Affected: IC 4-21.5-3; IC 9

Sec. 2.5. The proceedings and hearings process conducted under this article shall follow the procedures set forth in IC 4-21.5-3 except as otherwise provided in this article or IC 9. (*Bureau of Motor Vehicles; 140 IAC 1-1-2.5; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 1-1-3 Attorney appearances and service**

Authority: IC 9-14-2-2; IC 9-30-4-14

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

Sec. 3. (a) No person other than a party, an attorney who is duly authorized to represent a party, or a witness appearing on a party's behalf, shall be permitted to participate in any hearing.

(b) If an attorney represents a party with regard to a particular proceeding, the attorney must file a written notice of appearance with the bureau providing the following information:

(1) A statement that the party has authorized the attorney to appear on the party's behalf.

(2) The attorney's name, address, and telephone number, and the fax number and electronic mail address (e-mail) if available.

(c) Whenever the bureau receives notice that an attorney represents a party with regard to a proceeding, all related bureau correspondence, including notices, information, or orders, shall be addressed to such attorney, except that a copy of any order of suspension or probation shall also be mailed to the party's last reported address. (*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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**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 (Repealed)**

Sec. 5. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 1-1-5.5 Continuances**

Authority: IC 9-14-2-2; IC 9-30-4-14

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

Sec. 5.5. (a) A party may request to continue a hearing only if:

(1) the request is made in the form of a motion submitted to the bureau in duplicate;

(2) the request is timely made prior to the scheduled hearing or other deadline; and

(3) good cause is shown.

(b) A continuance granted prior to the hearing automatically extends the time during which the hearing must be held.

(c) The hearing officer may award costs to reimburse a party for the actual expenses that the party incurred from any undue delay of the hearing that the other party caused. (*Bureau of Motor Vehicles; 140 IAC 1-1-5.5; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

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

Authority: IC 4-21.5-3-35; IC 9-14-2-2; IC 9-30-4-14

Affected: IC 4-21.5-3-6; IC 9-14-3; IC 9-24; IC 9-25; IC 9-28; IC 9-30

Sec. 6. (a) No evidence shall be admitted in a hearing to attack collaterally any criminal conviction or any judgment pertinent to the matters being heard, other than by authenticated or certified judicial record showing 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 bureau's records shall be prima facie evidence of the information that appears on the face of the records. (*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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 1-1-7 Record of hearing (Repealed)**

Sec. 7. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 1-1-8 Presiding officer; powers**

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24-10; IC 9-25; IC 9-30

Sec. 8. (a) The hearing officer shall make recommendations to the commissioner or his or her designee that, based on the hearing officer's findings of fact, and in accordance with the provisions of the applicable statutes, the party's current driver's license be:

(1) suspended, revoked, or invalidated for any period not exceeding one (1) year;

(2) placed on probation conditioned upon the party's future good driving for any period not exceeding one (1) year;

(3) continued in full force and effect;

(4) suspended, restricted, or invalidated for an indeterminate period of time until the party has taken and passed a written driving examination and driving skills test, appeared for a hearing, or produced medical reports sufficient to assure the bureau that the party is possessed of sufficient physical or mental ability to operate a motor vehicle in a safe manner;

(5) invalidated in order to preserve the integrity of the driver's motor vehicle record in cases of suspected identity theft if a party fails to appear for a digital image conflict hearing;

(6) invalidated if the party fails to appear for a medical hearing after the hearing officer reviews the evidence presented at the medical hearing based on the recommendation of the Indiana driver license medical advisory board; or

(7) invalidated if the party does not object to the proposed invalidation.

(b) For a recommendation made for a points accumulation hearing held under 140 IAC 1-4.5-4, the hearing officer may do the following:

(1) Consider all convictions or judgments listed on the party's motor vehicle record that led to the points accumulation.

(2) Consider the number of miles the party drove during the period in which the excessive points were accumulated.

(3) Consider any other factors that:

(A) might have affected the party's points accumulation; or

(B) might affect the party's future driving habits.

(4) Recommend one (1) or more of the following:

(A) Suspend a party's driving privileges for up to one (1) year or place them on probation for up to one (1) year, or both, provided, however, that a combined period of suspension and probation does not exceed one (1) year.

(B) Require a party to submit to an examination, in accordance with IC 9-24-10.

(C) Require a party to attend and satisfactorily complete a driver improvement course.

(c) The hearing officer shall make any other determinations, take any other actions, and make any other recommendations to the commissioner or his or her designee as authorized by law. (*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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **140 IAC 1-1-9 Findings of fact (Repealed)**

Sec. 9. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **140 IAC 1-1-10 Hearing officer; determination (Repealed)**

Sec. 10. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **140 IAC 1-1-11 Final orders; objections to recommended orders; judicial reviews**

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3-29; IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 11. (a) The hearing officer's findings of fact and recommended order shall become a final order if the bureau does not receive a written objection to the recommended order within fifteen (15) days of the service of the order, or within eighteen (18) days if the bureau serves the order through the United States mail.

(b) If a hearing officer makes findings of fact and a recommended order to suspend a party's driver's license or permit, such suspension period shall begin on the date the hearing officer determines.

(c) Upon receiving a timely objection to a recommended order, the commissioner or his or her designee shall affirm, modify, or replace the recommended order in a subsequent final order, or may remand the matter back to the hearing officer under IC 4-21.5-3-29. The suspension of driving privileges shall remain in effect pending the commissioner or his or her designee's final order of any appeal brought under this section.

(d) The time for filing for judicial review of any final order shall be in accordance with IC 4-21.5-3.

(e) A final order that suspends a party's driver's license or permit for an indefinite period shall be terminated, and the party's current driver's license or permit reinstated, upon the fulfillment of the requirements set forth in such order. If the party has been only partially successful in fulfilling the requirements set forth in such order, the hearing officer may, after due notice and conducting a hearing as prescribed in this rule, issue a recommended order that the party be permitted to drive a motor vehicle under restrictions suitable to the party's driving ability and in accordance with the party's motor vehicle record. The party must then obtain a restricted driver's license or permit, which reflects the final order's restrictions. (*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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **140 IAC 1-1-12 Petition for reconsideration or rehearing (Repealed)**

Sec. 12. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

### **Rule 2. Proof of Financial Responsibility; Filing Requirements**

#### **140 IAC 1-2-1 Definitions (Repealed)**

Sec. 1. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 1-2-2 Minimum term of insurance (Repealed)**

Sec. 2. *(Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**140 IAC 1-2-3 Minimum term of reinstatement insurance (Repealed)**

Sec. 3. *(Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**140 IAC 1-2-4 Notification of proof of financial responsibility**

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

Affected: IC 9-25-4-3; IC 9-25-4-7

Sec. 4. Any certificate or document that any insurance carrier provides as proof that it issued a motor vehicle liability policy to an insured shall indicate that the carrier has specifically informed the insured of the obligations established in IC 9-25-4-3. *(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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**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)*

**140 IAC 1-2-7 Time limits on sending the request for evidence of financial responsibility**

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

Affected: IC 9-25-5-2; IC 9-25-9-1; IC 9-26-3-3; IC 34-11-2-4; IC 35-41-4-2

Sec. 7. (a) To send out the request for evidence of financial responsibility, the bureau must receive the accident report or a copy of the accident report prescribed in IC 9-25-5-2 or IC 9-26-3-3 within three (3) years after the accident date.

(b) To send out the request for evidence of financial responsibility, the bureau must receive the certified abstract prescribed in IC 9-25-9-1(a)(1), or the judgment or abstract prescribed in IC 9-25-9-1(a)(2), within three (3) years of the date of conviction, judgment, or forfeiture of security deposit. *(Bureau of Motor Vehicles; 140 IAC 1-2-7; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**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 (Repealed)**

Sec. 1. *(Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**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; readopted filed Nov 26, 2013, 11:22 a.m.: 20131225-IR-140130487RFA)*

**140 IAC 1-4.5-3 Points study committee**

Authority: IC 9-14-2-2

Affected: IC 9-24-2-3

Sec. 3. The commissioner shall appoint the members of the points study committee. 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 or his or her designee. The commissioner or his or her designee shall act as chairperson of the committee meetings. Meetings of the committee shall be set at such time and place as the commissioner or his or her designee 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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**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 court conviction date.

(b) A driver accumulating eighteen (18) or more active points, after any credit earned by completion of a driver safety program, within a twenty-four (24) month period shall 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-two (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 even though, for purposes of this rule, the points assessed shall become inactive twenty-four (24) months after the court conviction date. (*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; filed Jun 17, 2013, 11:21 a.m.: 20130717-IR-140120377FRA*)

#### **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) All convictions and judgments for traffic violations that a person with an Indiana driver's license commits in any state shall be recorded on that person's driving record.

(b) The bureau will assess points to the driving record of a person with an Indiana's driver's license for those out-of-state convictions or judgments for traffic violations for which Indiana has a corresponding violation. The points will be assessed as if the Indiana driver had been convicted or had a judgment entered against him or her for a violation under Indiana law. The bureau will not assess points 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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **140 IAC 1-4.5-6 Hearings; reinstatement of suspended license (Repealed)**

Sec. 6. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **140 IAC 1-4.5-7 Driver safety program; 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 a bureau approved driver safety program 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 a bureau approved driver safety program. (*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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **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 sanctions, including suspension of the person's driving privileges, even if the person does not hold a valid driver's 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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

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#### 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)

#### 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 35-44.1-3-1; 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 one thousand dollars (\$1,000) requiring a mandatory suspension unless the accident is specifically designated on the record of conviction as less than 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) Point Value Table 1, establishing the point value system, shall be as follows:

| Table 1.                             |  |             |
|--------------------------------------|--|-------------|
| Indiana Code Cross Reference         | Description of Violation   | Point Value |
| 7.1-5-7-7<br>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.                     | Equipment violation with respect to brakes   | 4           |
| 9-19-4-1 et seq.                     | Bumper violation   | 2           |
| 9-19-5-6                             | Failure of commercial vehicle to carry required emergency equipment  | 2           |
| 9-19-6-1 et seq.<br>9-21-7-1 et seq. | Equipment violation with respect to vehicle lights, reflectors, stop lights, warning signals; failure to use when required | 2           |
| 9-19-7-1<br>9-21-10-9                | No motorcycle headgear or protective eyewear (under 18 years of age)   | 4           |
| 9-19-7-2                             | Motorcycle equipment violation   | 2           |
| 9-19-8-1 et seq.                     | Muffler violation  | 2           |
| 9-19-11-2                            | Child restraint violation  | 8           |
| 9-21-3-7<br>9-21-3-8<br>9-21-3-9     | Disregarding traffic control signal  | 4           |



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| 9-21-3-10    |  |                  |
| 9-21-3-11    |  |                  |
| 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    |  |                  |
| 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) |  |                  |
| 9-21-4-12    | Improper passing in violation of clearly visible signs or markings   | 4                |
| 9-21-4-13    |  |                  |
| 9-21-4-18    |  |                  |
| 9-21-4-16    | Disregarding stop sign at railroad crossing  | 6                |
| 9-21-4-18    |  |                  |
| 9-21-5-1     | Miscellaneous speeding violations:<br>Excessive speed not indicated<br>1-15 MPH in excess of limit<br>16-25 MPH in excess of limit<br>Over 25 MPH in excess of limit | 2<br>2<br>4<br>6 |
| 9-21-5-2     |  |                  |
| 9-21-5-3     |  |                  |
| 9-21-5-4     |  |                  |
| 9-21-5-5     |  |                  |
| 9-21-5-6     |  |                  |
| 9-21-5-11    |  |                  |
| 9-21-5-12    |  |                  |
| 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)  |  |                  |
| 9-21-5-10    | Unsafe speed on bridge or elevated structure   | 4                |
| 9-21-6-1     | Speed contest on streets or highways (drag racing)   | 8                |
| 9-21-8-1     | Failure to comply with order of law enforcement officer  | 6                |
| 9-21-8-2(a)  | Driving on left side of road when not permitted  | 4                |
| 9-21-8-4     | Improper passing on two lane highway   | 4                |
| 9-21-8-5     | Improper passing (cutting in); refusing to give way to overtaking vehicle  | 4                |
| 9-21-8-6     | Improper passing to the right  | 4                |
| 9-21-8-7     | Improper passing on the left   | 6                |
| 9-21-8-7.5   | Work site no passing   | 8                |
| 9-21-8-8     | Driving to the left of center on two-way roadway (special conditions)  | 4                |
| 9-21-8-9     | Wrong way on a one-way roadway   | 4                |
| 9-21-8-10    | Driving left of rotary island  | 4                |

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|--------------|---|--------|
| 9-21-8-11    | Improper driving on roadways with traffic lanes   | 4      |
| 9-21-8-12    | Lane restriction violation by truck   | 4      |
| 9-21-8-13    |   |        |
| 9-21-8-14    | Following too closely   | 6      |
| 9-21-8-15    |   |        |
| 9-21-8-16    |   |        |
| 9-21-8-18    | Entrance or exit violation on limited access highways   | 4      |
| 9-21-8-21    | Improper turn at intersection   | 4      |
| 9-21-8-22    | U-turn on curve or crest of grade   | 4      |
| 9-21-8-23    | 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    |   |        |
| 9-21-8-37    | Failure to exercise due care for pedestrian   | 6      |
| 9-21-8-39    | Disregarding signal indicating approach of train  | 6      |
| 9-21-8-40    | Failure of commercial vehicle or other special vehicle to stop at railroad crossing   | 8 + MS |
| 9-21-12-5    |   |        |
| 9-21-8-41    | Disregarding official traffic control device  | 6      |
| 9-21-8-50    | Reckless driving while operating a tractor-trailer combination  | 8      |
| 9-21-8-51    | Failure to dim bright or blinding lights  | 4      |
| 9-21-8-52(a) | Reckless driving  | 6      |
| 9-21-8-52(b) | Reckless driving with damage to property or personal injury   | 8 + MS |
| 9-21-9-4     | No flashing amber or red light on slow moving vehicle when other lights not required (this is in addition to slow moving emblem)      | 2      |
| 9-19-16-4    |   |        |
| 9-21-10-1    | Motorcycle passenger violation  | 4      |
| 9-21-10-3    | Carrying articles to prevent proper use of handlebars   | 4      |
| 9-21-10-5    | Operating motorcycle without headlamp illuminated   | 2      |
| 9-21-10-6    | Operating motorcycles three or more abreast in single lane  | 4      |
| 9-21-10-6    | Depriving motor vehicle (including motorcycle) of full lane usage   | 4      |
| 9-21-12-1    | Passing of school bus while loading or unloading  | 8      |
| 9-21-12-1    | 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    |   |        |
| 9-24-1-6     | 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     | Driver education permit violation   | 4      |
| 9-24-7-3     | Learner permit violation  | 4      |
| 9-24-8-2     | Temporary motorcycle learner permit violation   | 4      |
| 9-24-8-3     | Motorcycle learner permit violation   | 4      |

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|--|--|--------|
| 9-24-8-4                                     | Improper motorcycle license endorsement  | 6      |
| 9-24-11-3                                    | Probationary license violation (under 18 years of age)   | 4      |
| 9-24-11-7<br>9-24-11-8(b)                    | Violation of driver license restriction or mechanical control device requirement   | 4      |
| 9-24-18-1                                    | Operating without ever having a valid license  | 6 + MS |
| 9-24-18-2                                    | Misuse of license; use of false information; unauthentic license   | 8      |
| 9-24-18-3                                    | Permitting unlicensed person to operate a motor vehicle  | 4      |
| 9-24-18-4                                    | Permitting unlawful use of a motor vehicle   | 4      |
| 9-24-18-5                                    | Driving while license is suspended or revoked  | 8 + MS |
| 9-24-18-8                                    | Unlawful use of license to obtain alcohol  | 8 + MS |
| 9-25-4-1<br>9-25-8-5                         | Suspension of license and registration for violation of financial responsibility requirements  | 2 + MS |
| 9-26-1-1<br>9-26-1-2<br>9-26-1-3<br>9-26-1-4 | 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 |
| 9-26-1-2<br>9-26-1-3<br>9-26-1-4             | Leaving the scene of accident; failure to give information; failure of other duties (property damage only, less than \$750 total)                      | 8      |
| 9-30-4-8                                     | Operating a vehicle with suspended registration; violation of conditions of a restricted license   | 8      |
| 9-30-5-1                                     | Per se operating while intoxicated (OWI)   | 8 + MS |
| 9-30-5-2                                     | OWI  | 8 + MS |
| 9-30-5-3                                     | OWI with per se or OWI conviction in past 5 years  | 8 + MS |
| 9-30-5-4                                     | Per se or OWI causing injury to another  | 8 + MS |
| 9-30-5-5                                     | Per se or OWI causing death of another   | 8 + MS |
| 9-30-5-6<br>9-30-5-13                        | Violation of probationary license (HTV)  | 8 + MS |
| 9-30-5-7                                     | Interlock device violation   | 8      |
| 9-30-5-8                                     | Tampering with interlock device  | 8      |
| 9-30-5-8.5                                   | Operating with at least BAC .02%, but less than BAC .08% (under 21 years of age) Under 21  | 6      |
| 9-30-10-16<br>9-30-10-17                     | Operating a vehicle while suspended as a habitual traffic violator   | 8 + MS |
| 9-30-13-1<br>35-42-2-2                       | Criminal recklessness with vehicle   | 8 + MS |
| 9-30-13-2<br>35-42-2-4                       | Obstruction of traffic causing injury or death   | 8 + MS |
| 9-30-13-3<br>35-43-1-2                       | Criminal mischief with vehicle   | 8 + MS |
| 9-30-13-4<br>35-42-1-4                       | Involuntary manslaughter with a vehicle  | 8 + MS |
| 9-30-13-4<br>35-42-1-5                       | Reckless homicide with a vehicle   | 8 + MS |

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| 9-30-15-3<br>9-30-15-4                | Open container violation  | 6           |
| 14-15-8-8<br>14-15-8-13<br>14-15-12-5 | Operating a personal watercraft or motorboat while intoxicated  | 8 + MS      |
| 14-15-8-9<br>14-15-8-10               | Operation of motorboat after being ordered not to operate   | 8           |
| 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:<br>Speed not indicated<br>1-15 MPH in excess of limit<br>Over 15 MPH in excess of limit | 6<br>6<br>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 one-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           |
| 35-44.1-3-1(b)                        | Resisting law enforcement in vehicle  | 8 + MS      |

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

<sup>2</sup> "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; filed Jun 17, 2013, 11:21 a.m.: 20130717-IR-140120377FRA; readopted filed Nov 26, 2013, 11:22 a.m.: 20131225-IR-140130487RFA)*

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

*(Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

## **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 (Repealed)**

Sec. 1. *(Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

### **140 IAC 1-7-2 Requests for self-insurance; issuance of self-insurance certificate and number; certificate renewal**

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 2. (a) Any person applying to qualify as a self-insurer for the first time must file the person's request for approval for self-insurance with the bureau at least thirty (30) days prior to the date that the applicant wants the self-insurance to be in effect. 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 self-insurance administrator.
- (2) The number and types, which includes year, make, and model, of vehicles to be self-insured.
- (3) An oath or affirmation by the self-insurance administrator, on a bureau approved form, that he or she shall discharge all legal duties of the self-insurer.
- (4) The self-insurance administrator shall provide the bureau with a master list containing the names and addresses of all persons who will use such self-insurance to fulfill their financial responsibility requirements.
- (5) After the bureau approves a request for self-insurance, the self-insurance administrator must provide the bureau with an updated master list of names and addresses every calendar month during which any change is made to the list.
- (b) The commissioner or his or her designee shall determine whether to approve a request for self-insurance.
- (c) The commissioner or his or her designee shall issue a self-insurance certificate and a self-insurance number to any person approved to receive such a certificate.

(d) Self-insurance certificates shall be renewed on January 2 of each year. (*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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **140 IAC 1-7-3 Financial collateral**

Authority: IC 9-14-2-2; IC 9-25-4-11

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 with the treasurer with receipt to the bureau or with the bureau. 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 additional 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 providing collateral to meet the obligations of the self-insurer.
- (3) Irrevocable letter or letters of credit issued by any bank on behalf of the applicant for self-insurance.
- (4) Surety bond.

(c) Financial collateral 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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

#### **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 that 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 financial collateral posted by the self-insurer 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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**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 the self-insurer must provide additional collateral above the minimum amounts if the number or dollar amount of claims incurred by the self-insurer is determined to be excessive or could not be covered by the minimum requirements, or both. 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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 1-7-6 Master self-insurance certificates**

Authority: IC 9-14-2-2

Affected: IC 9-25

Sec. 6. (a) Self-insurance administrators are responsible for issuing a copy of the master self-insurance certificate to its members who use self-insurance to fulfill their financial responsibility obligations.

(b) The commissioner may recover the costs of any forms furnished to the self-insurers. (*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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 1-7-7 Issuance of self-insurance certificate and number; renewal of certificate (Repealed)**

Sec. 7. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**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 or she finds that:

- (1) the self-insurer has inadequate collateral or has judgments from motor vehicle claims that exceed the amount of the collateral furnished;
- (2) the self-insurer has filed bankruptcy;
- (3) the self-insurer has an excessive number of claims for personal injury or property damage filed against the self-insurer from the operation or ownership of a motor vehicle;
- (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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

## **Rule 8. Standards and Specifications for Ignition Interlock Devices**

### **140 IAC 1-8-0.5 Purpose and definitions**

Authority: IC 9-14-2-2; IC 9-30-8-3

Affected: IC 9-13-2-76; IC 9-30

Sec. 0.5. (a) The purpose of this rule is to establish standards and specifications for certification, installation, use, repair, and removal of ignition interlock breath alcohol devices.

(b) The following definitions shall apply throughout this rule:

(1) "Alcohol" means the generic class of organic compounds known as alcohols and specifically the chemical compound ethyl alcohol. For the purpose of ignition interlock devices, there is no requirement expressed or implied that the device be specifically for ethyl alcohol.

(2) "Authorized service provider" or "ASP" means the person or company meeting all qualifications outlined throughout this rule and approved and trained by the manufacturer to service, install, monitor, calibrate, and provide information on manufacturer's devices used in Indiana.

(3) "Bogus sample" means any air sample that is altered, diluted, stored, or is filtered human breath, or which is obtained from a device such as, but not limited to, an air compressor, hot air dryer, balloon, or manual air pump, and is provided by an individual attempting to start or continue to operate a vehicle equipped with an IID.

(4) "Breath or blood alcohol concentration" or "BAC" means the amount of alcohol in a person's breath sample submitted to an IID, which shall be measured by grams of alcohol per:

(A) one hundred (100) milliliters of blood; or

(B) two hundred ten (210) liters of breath.

(5) "Circumvention" means the attempted or successful bypass of the proper functioning of an IID, including, but not limited to, the operation of a vehicle without a properly functioning IID, the push start of a vehicle equipped with an IID, disconnection or alteration of the IID, the introduction of a bogus sample other than a deep-lung sample from the driver of the vehicle, introduction of an intentionally contaminated or altered breath sample, continued operation of the interlock vehicle after the IID detects a fail level of breath alcohol.

(6) "Fail level" means a BAC that meets or exceeds .02 or a lower level set by the originating court.

(7) "Ignition interlock device" or "IID" has the meaning set forth in IC 9-13-2-76.

(8) "Lessee" means a person who has entered into an agreement with a manufacturer or ASP to lease an IID.

(9) "Manufacturer" means the person, company, or corporation producing IIDs, and certifies service providers who are qualified to service, install, monitor, calibrate, and provide information on IIDs.

(10) "Originating court" means the Indiana court that issued the order that requires an individual to operate only vehicles equipped with IIDs.

(11) "Restricted operator" means a person whose driving privileges are restricted to operating only motor vehicles equipped with an approved, functioning IID.

(12) "Tampering" means any act or attempt to disable or circumvent the legal operation of an IID.

(13) "Violation reset" means the condition caused by the failure of the operator of a vehicle to perform a test or retest as required, or by the operator's inability to achieve such test or retest results at the lower of the maximum allowable alcohol

concentration as set by the originating court or .02 BAC, the IID and the vehicle in which it is installed must be returned to the IID manufacturer or ASP to be reset.

*(Bureau of Motor Vehicles; 140 IAC 1-8-0.5; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**140 IAC 1-8-1 Minimum standards, specifications and features**

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 IIDs shall order the installation of IIDs that must meet the following minimum standards and specifications for the following:

(1) Features, as follows:

(A) The IID shall automatically render the vehicle inoperable if the result of the breath sample given to start the vehicle is at the fail level.

(B) The IID shall be designed to permit a restart within two (2) minutes of a vehicle's stalling or when the vehicle's ignition has been turned off.

(C) The IID shall automatically and completely purge residual alcohol before allowing subsequent tests.

(D) The IID shall be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.

(E) Each IID shall be provided with an ample supply of disposable mouth pieces designed to minimize the introduction of saliva into the IID.

(F) Each IID shall be uniquely serial numbered.

(G) Along with any other information required by the BMV or an originating court, all reports to an originating court concerning a particular IID shall include the name, address, and driver's license number of the lessee, the IID's unique serial number, and the name, address, telephone number (toll free), and contact person of the manufacturer or the ASP that is furnishing the report.

(H) Each IID shall record each time the vehicle is started, the results of the tests, how long the vehicle was operated, and any indication of bypassing or tampering with the device. Such information shall be included in reports to the originating court.

(I) Each IID shall require the operator of the vehicle to submit to a retest within ten (10) minutes of starting the vehicle. Retesting shall continue at intervals not to exceed sixty (60) minutes after the first retest.

(J) If a retest is not performed when called for by the IID, or if a breath sample is submitted that is at the fail level, the IID shall automatically enter a violation reset condition. An IID that enters a violation reset condition, and the vehicle in which it is installed, must be returned to the manufacturer or the ASP to be serviced within five (5) days or the vehicle must be rendered inoperable. The manufacturer or the ASP shall notify the originating court of such violation reset conditions in a format acceptable to the originating court within five (5) days of servicing the IID.

(2) IID security. The IID manufacturer and its ASP or ASPs shall take all reasonable steps necessary to prevent tampering or physical circumvention of the IID. These steps shall include the following:

(A) Special locks, seals, and installation procedures that prevent, and records evidence of, tampering or circumvention attempts, or both.

(B) The ASP will affix to the device a label containing the following notation: "Warning - This device has been installed under the laws of the State of Indiana. Attempts to disconnect, tamper with, or circumvent this device may subject you to civil and/or criminal penalties. For more information, call (insert manufacturer's or ASP's toll free number).".

(C) No owner or employee of a manufacturer or ASP may authorize or assist with the disconnection of an IID, or enable the use of any emergency bypass mechanism or any other bypass procedure that allows a person restricted to use the vehicle equipped with a functioning IID, to start or operate a vehicle without providing all required breath samples.

*(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; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-*



140080215FRA)

**140 IAC 1-8-2 Specifications; levels (Repealed)**

Sec. 2. *(Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

**140 IAC 1-8-3 Device maintenance and reports; calibration; certification**

Authority: IC 9-14-2-2; IC 9-30-8-3

Affected: IC 9-30-5; IC 9-30-6; IC 9-30-8

Sec. 3. (a) Each lessee shall have the IID examined by the manufacturer or by an ASP for correct calibration and evidence of tampering at intervals not to exceed sixty-five (65) days, or more often as may be ordered by the originating court.

(b) The IID must be calibrated for accuracy according to the manufacturer's procedures. All data contained in the device's memory must be downloaded and the manufacturer or the ASP, or both, shall make a hard copy or electronic equivalent of the client data and the results of each examination. Any evidence of noncompliance, violations, or signs of tampering or circumvention shall be reported as requested by and in a format acceptable to the originating court. All information obtained from each inspection shall be retained by the manufacturer or ASP for two (2) years from the date the IID is removed from the vehicle.

(c) Each IID must be capable of being preset, by the manufacturer or by an ASP, at any fail level from .02 through .08 BAC (plus or minus .005 BAC). The actual setting of each IID, unless otherwise mandated by the originating court, shall be .02 BAC. The capability to change this setting shall be made secure by the manufacturer or by an ASP.

(d) Each IID must meet or exceed the minimum test standards in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 – 11787\*, or as rules are adopted.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Bureau of Motor Vehicles; 140 IAC 1-8-3; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

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