

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##### **140 IAC 1-1-1 Time and place of hearings (Repealed)**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 *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*

##### **140 IAC 1-1-2 Notice of hearing; service; contents (Repealed)**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 *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*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)*

##### **140 IAC 1-1-4 Subpoenas (Repealed)**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 *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*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

**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)*

**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*)

**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*)

**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*)

**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*)

**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*)

#### **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)*

## **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)*

### **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)*

**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*)

**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*)

**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*)

**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*)

**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*)

**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*)

**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*)

**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; IC 9-29-13-1

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 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*)

**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*)

**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*)

**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 20-9.1-5; 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 Value<sup>1</sup>

| Indiana Code Cross Reference                                       | Description of Violation                                                                                                  | Point Value <sup>2</sup> |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 7.1-5-7-7                                                          | Possessing, consuming, or transporting alcohol while operating a motor vehicle by an individual less than 21 years of age | 6 + MS                   |
| 9-24-18-12                                                         | Equipment violation with respect to brakes                                                                                | 4                        |
| 9-19-3-1 et seq.<br>(formerly 9-8-6-32,<br>9-8-6-33, 9-8-6-34)     | Bumper violation                                                                                                          | 2                        |
| 9-19-4-1 et seq.<br>(formerly 9-8-6-37.5)                          | Failure of commercial vehicle to carry required emergency equipment                                                       | 2                        |
| 9-19-5-6<br>(formerly 9-8-6-41)                                    | Equipment violation w/ respect to vehicle lights, reflectors, stop lights, warning signals; failure to use when required  | 2                        |
| 9-19-6-1 et seq.<br>9-21-7-1 et seq.<br>(formerly 9-8-6-1 et seq.) | No motorcycle headgear or protective eye wear (under 18 years of age)                                                     | 4                        |
| 9-19-7-1<br>9-21-10-9<br>(formerly 9-8-9-3.1)                      | Motorcycle equipment violation                                                                                            | 2                        |
| 9-19-7-2<br>(formerly 9-8-9-4)                                     | Muffler violation                                                                                                         | 2                        |
| 9-19-8-1 et seq.                                                   |                                                                                                                           |                          |

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BUREAU OF MOTOR VEHICLES

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| (formerly 9-8-6-36.6)                                                                                                  |                                                                         |   |
| 9-19-11-2                                                                                                              | Child restraint violation                                               | 8 |
| 9-19-11-3                                                                                                              |                                                                         |   |
| (formerly 9-8-13-2, 9-8-13-3)                                                                                          |                                                                         |   |
| 9-21-3-7                                                                                                               | Disregarding traffic control signal                                     | 4 |
| 9-21-3-8                                                                                                               |                                                                         |   |
| 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,<br>9-4-1-83, 9-41-1-84 [ <i>sic.</i> , 9-4-1-<br>84], 9-4-1-85, 9-4-1-87, 9-4-1-<br>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)                                                                                                    |                                                                         |   |

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BUREAU OF MOTOR VEHICLES

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|---------------------------------------------------------|---------------------------------------------------------------------------|---|
| 9-21-6-1<br>(formerly 9-4-6-2)                          | Speed contest on streets or highways (drag racing)                        | 8 |
| 9-21-8-1<br>(formerly 9-4-1-24)                         | Disregarding police officer directing <i>[sic.]</i>                       | 6 |
| 9-21-8-2(a)<br>(formerly 9-4-1-63)                      | Driving on left side of road when not permitted                           | 4 |
| 9-21-8-4<br>(formerly 9-4-1-65)                         | Improper passing of another vehicle proceeding in opposite direction      | 4 |
| 9-21-8-5<br>(formerly 9-4-1-66)                         | Improper passing (cutting in); refusing to give way to overtaking vehicle | 4 |
| 9-21-8-6<br>(formerly 9-4-1-67)                         | Improper passing to the right                                             | 4 |
| 9-21-8-7<br>(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<br>(formerly 9-4-1-69)                         | Driving to the left of center on 2-way roadway (special conditions)       | 4 |
| 9-21-8-9<br>(formerly 9-4-1-71(b))                      | Wrong way on a 1-way road                                                 | 4 |
| 9-21-8-10<br>(formerly 9-4-1-71)                        | Driving left of rotary island                                             | 4 |
| 9-21-8-11<br>(formerly 9-4-1-72)                        | Improper driving on roadways with traffic lanes                           | 4 |
| 9-21-8-12<br>(formerly 9-4-1-64)                        | Lane restriction violation by truck                                       | 4 |
| 9-21-8-13<br>(formerly 9-4-1-64)                        |                                                                           |   |
| 9-21-8-14                                               | Following too closely                                                     | 6 |
| 9-21-8-15                                               |                                                                           |   |
| 9-21-8-16<br>(formerly 9-4-1-73)                        |                                                                           |   |
| 9-21-8-18<br>(formerly 9-4-1-74)                        | Entrance or exit violation on limited access highways                     | 4 |
| 9-21-8-21<br>(formerly 9-4-1-75)                        | Improper turn at intersection                                             | 4 |
| 9-21-8-22<br>(formerly 9-4-1-76)                        | U-turn on curve or crest of grade, visibility less than 750 feet          | 4 |
| 9-21-8-23<br>(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<br>(formerly 9-4-1-78,<br>9-4-1-79, 9-4-1-80) |                                                                           |   |
| 9-21-8-37<br>(formerly 9-4-1-89)                        | Driver fails to exercise due care to avoid pedestrian                     | 6 |

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BUREAU OF MOTOR VEHICLES

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| 9-21-8-39<br>(formerly 9-4-1-106)                         | Disregarding signal indicating approach of train                                                                                 | 6      |
| 9-21-8-40<br>9-21-12-5<br>(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<br>(formerly 9-4-1-33)                          | Disregarding official traffic control device                                                                                     | 6      |
| 9-21-8-50<br>(formerly 9-4-1-73(b))                       | Reckless driving while operating a tractor-trailer combination                                                                   | 8      |
| 9-21-8-51<br>(formerly 9-4-1-56.2)                        | Failure to dim bright or blinding lights                                                                                         | 4      |
| 9-21-8-52(a)<br>(formerly 9-4-1-56.1)                     | Reckless driving                                                                                                                 | 6      |
| 9-21-8-52(b)<br>(formerly 9-4-1-56.1)                     | Reckless driving with damage to property or personal injury                                                                      | 8 + MS |
| 9-21-9-4<br>9-19-16-4<br>(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<br>(formerly 9-8-9-2(a))                        | Motorcycle passenger violation                                                                                                   | 4      |
| 9-21-10-3<br>(formerly 9-8-9-2(c))                        | Carrying package or parcel on motorcycle (both hands not on handlebars)                                                          | 4      |
| 9-21-10-5<br>(formerly 9-8-9-2(e))                        | Operating motorcycle without headlamp illuminated                                                                                | 2      |
| 9-21-10-6<br>(formerly 9-8-9-2(f))                        | Operating motorcycles three or more abreast in single lane                                                                       | 4      |
| 9-21-10-6<br>(formerly 9-8-9-2(f))                        | Depriving motor vehicle (including motorcycle) of full lane usage                                                                | 4      |
| 9-21-12-1<br>(formerly 9-4-1-123)                         | Passing of school bus while loading or unloading                                                                                 | 8      |
| 9-21-12-1<br>(formerly 9-4-1-123)                         | Passing of school bus when arm signal is out                                                                                     | 8      |
| 9-21-16-7<br>9-21-16-8<br>(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<br>(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<br>(formerly 9-1-4-33(b))                        | Driver education permit violation                                                                                                | 4 + AH |
| 9-24-7-3<br>(formerly 9-1-4-33(c))                        | Learner permit violation                                                                                                         | 4 + AH |
| 9-24-8-2<br>(formerly 9-1-4-33.1)                         | Temporary motorcycle learner permit violation                                                                                    | 4 + AH |
| 9-24-8-3<br>(formerly 9-1-4-33.2)                         | Motorcycle learner permit violation                                                                                              | 4 + AH |

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BUREAU OF MOTOR VEHICLES

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| 9-24-8-4<br>(formerly 9-1-4-33.3)                                       | Improper motorcycle license endorsement                                                          | 6      |
| 9-24-11-3                                                               | Probationary license violation (under 18 years of age)                                           | 4      |
| 9-24-11-7                                                               | Violation of driver license restriction or mechanical control device                             | 4      |
| 9-24-11-8(b)<br>(formerly 9-1-4-37)                                     | requirement                                                                                      |        |
| 9-24-18-1<br>(formerly 9-1-4-26.5)                                      | Operating without ever having a valid license                                                    | 6 + AH |
| 9-24-18-2<br>(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<br>(formerly 9-1-4-49 [ <i>sic.</i> , 9-1-4-51])              | Permitting unlawful use of a motor vehicle                                                       | 4      |
| 9-24-18-5<br>(formerly 9-1-4-52)                                        | Driving while license is suspended or revoked                                                    | 8 + MS |
| 9-24-18-8<br>(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                           | 8 + MS |
| 9-26-1-2                                                                | other duties (personal injury, death, or property damage more than \$750                         |        |
| 9-26-1-3                                                                | total)                                                                                           |        |
| 9-26-1-4<br>(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                           | 8      |
| 9-26-1-3                                                                | other duties (property damage only, less than \$750 total)                                       |        |
| 9-26-1-4<br>(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<br>(formerly 9-2-1-30)                                         | Operating a vehicle with suspended registration; violation of conditions of a restricted license | 8 + AH |
| 9-30-5-1<br>(formerly 9-11-2-1)                                         | Operating with BAC above .10 or with controlled substance in bloodstream (Per Se)                | 8 + MS |
| 9-30-5-2<br>(formerly 9-11-2-4 [ <i>sic.</i> , 9-11-2-2])               | Operating while intoxicated (OWI)                                                                | 8 + MS |
| 9-30-5-3<br>(formerly 9-11-2-3)                                         | OWI with Per Se or OWI conviction in past 5 years                                                | 8 + MS |
| 9-30-5-4<br>(formerly 9-11-2-4)                                         | Per Se or OWI resulting in injury                                                                | 8 + MS |
| 9-30-5-5<br>(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                                                                | Interlock device violation                                                                       | 8      |

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BUREAU OF MOTOR VEHICLES

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| (formerly 9-11-2-7)<br>9-30-5-8                                                      | Tampering with interlock device                                                  | 8      |
| (formerly 9-11-2-8)<br>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 habitual traffic violator               | 8 + MS |
| 9-30-10-17                                                                           |                                                                                  |        |
| (formerly 9-12-3-1)<br>9-30-13-1                                                     | Criminal recklessness with vehicle                                               | 8 + MS |
| 35-42-2-2 (9-30-13-1 was formerly 9-4-1-54.5)                                        |                                                                                  |        |
| 9-30-13-2                                                                            | Obstruction of traffic causing injury or death                                   | 8 + MS |
| 35-42-2-4 (9-30-13-2 was formerly 9-4-1-54.5)                                        |                                                                                  |        |
| 9-30-13-3                                                                            | Criminal mischief with vehicle                                                   | 8 + MS |
| 35-43-1-2 (9-30-13-3 was formerly 9-4-1-54.5)                                        |                                                                                  |        |
| 9-30-13-4                                                                            | Involuntary manslaughter with a vehicle                                          | 8 + MS |
| 35-42-1-4 (9-30-13-4 was formerly 9-4-1-54.5)                                        |                                                                                  |        |
| 9-30-13-4                                                                            | Reckless homicide with a vehicle                                                 | 8 + MS |
| 35-42-1-5 (9-30-13-4 was formerly 9-4-1-54.5)                                        |                                                                                  |        |
| 9-30-15-3                                                                            | Open container violation                                                         | 6      |
| 9-30-15-4                                                                            |                                                                                  |        |
| 13-7-13-4                                                                            | Unlawful transportation of hazardous waste                                       | 4 + MS |
| <i>[IC 13-7-13-4 was repealed by P.L.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 |

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

<sup>2</sup>Abbreviations have the following meaning:

“AH” means automatic hearing.

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

*(Bureau of Motor Vehicles; 140 IAC 1-4.5-10; filed Sep 5, 1995, 12:00 p.m.: 19 IR 8; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 903)*

**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)*

**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*)

**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*)

**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)

**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)*

**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)*

**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*)

**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*)

**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*)

**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*)

**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*)

## **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*)

### **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*)

## **ARTICLE 2. EXCISE TAX AND REGISTRATION DIVISION**

### **Rule 1. Administration of Motor Vehicle Excise Tax**

#### **140 IAC 2-1-1 Definitions**

Authority: IC 9-14-2-2

Affected: IC 6-6-5; IC 9-13-2-121; IC 9-18

Sec. 1. The following words and phrases, when used in these rules, shall, for the purposes of these rules, have the meanings respectively ascribed to them in this rule, unless the context clearly indicates a different meaning:

(a) State—the State of Indiana.

(b) Person—every natural person, firm, copartnership, association, or corporation.

(c) Owner—the person in whose name the vehicle is registered as defined in IC 9-13-2-121.

(d) Vehicle—any vehicle subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the State of Indiana, and subject to the imposition of annual vehicle excise tax.

(e) The pronouns “he” and “his”—shall include without limitation the feminine and neuter genders.

(f) Registration Year or Annual Registration Year—that period of twelve (12) full consecutive months beginning with the first day of the month within which he is required to register and ending on the last day of the twelfth month thereafter.

(g) Current Registration, Current Annual Registration Year—in the case of any owner, that period of twelve (12) consecutive months beginning with the first day of that owner's last elapsed required registration month and ending on the last day of the twelfth month thereafter.

(h) License Branch—the branch offices of the bureau authorized to register motor vehicles pursuant to the laws of the State of Indiana.

(i) Bureau—the bureau of motor vehicles of the State of Indiana.

*(Bureau of Motor Vehicles; Vehicle Excise Tax Rule I; filed Dec 22, 1971: Rules and Regs. 1972, p. 9; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

#### **140 IAC 2-1-2 Valuation of vehicles**

Authority: IC 9-14-2-2

Affected: IC 6-6-5-3

Sec. 2. The value of all vehicles for the purpose of determining their classification for excise tax purposes shall be based upon the “Factory Advertised Delivered Price” or the “Port of Entry Price” disregarding special equipment of each vehicle make and model at the time that it is first offered for sale in Indiana. Vehicle values are determined by the bureau of motor vehicles based on price information provided by the manufacturer and appearing in a publication of the bureau of motor vehicles compiling the manufacturer's price information. *(Bureau of Motor Vehicles; Vehicle Excise Tax Rule II; filed Dec 22, 1971: Rules and Regs. 1972, p. 10; filed Sep 23, 1988, 8:30 a.m.: 12 IR 246; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

#### **140 IAC 2-1-3 Valuation of unlisted vehicles**

Authority: IC 9-14-2-2

Affected: IC 6-6-5-3; IC 6-6-5-4

Sec. 3. Whenever the “Factory Advertised Delivered Price” or “Port of Entry Price” of a vehicle does not appear in the Red Book bureau of motor vehicle's publication compiling the manufacturer's price information because the vehicle is specially constructed, or because of any other reason, the vehicle shall be classified according to the Factory Advertised Delivered price or Port of Entry price of the make and year of the chassis, subject to review by the board of state tax commissioners. If the make or year of the chassis is not known or cannot be determined, the vehicle shall be classified as a Class I vehicle. *(Bureau of Motor Vehicles; Vehicle Excise Tax Rule III; filed Dec 22, 1971: Rules and Regs. 1972, p. 10; filed Sep 23, 1988, 8:30 a.m.: 12 IR 246; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

#### **140 IAC 2-1-4 Eligibility for excise tax credit (Repealed)**

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

#### **140 IAC 2-1-5 Proof of title transfer (Repealed)**

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

#### **140 IAC 2-1-6 Notation on certificate of registration when license plate transferred (Repealed)**

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

**140 IAC 2-1-7 Payment of excise tax when license plate transferred (Repealed)**

Sec. 7. *(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)*

**140 IAC 2-1-8 Early registration**

Authority: IC 9-14-2-2

Affected: IC 6-6-5-6; IC 9-18

Sec. 8. Any person who registers his vehicle prior to the registration month must relinquish the current registration year's valid Certificate of Registration as proof that the vehicle was properly registered and that all prior year's excise taxes legally due from him on that vehicle have been paid. *(Bureau of Motor Vehicles; Vehicle Excise Tax Rule VIII; filed Dec 22, 1971: Rules and Regs. 1972, p. 11; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

**140 IAC 2-1-9 Registration after registration month**

Authority: IC 9-14-2-2

Affected: IC 6-6-5-7; IC 9-18

Sec. 9. Any person who registers a vehicle which is acquired or brought into this state after his registration month and who does not register that vehicle by the transfer of a registration and license plate from a vehicle which is owned or was owned by him shall be required to register the vehicle and purchase a license plate for the current registration year within which he is registering the vehicle, and he shall pay any excise tax due for that registration year and any applicable registration fee: provided, however, that if the vehicle being registered was acquired or brought into the state on or after January 1 of the new calendar year and one calendar month prior to the owner's registration month, the owner must register the vehicle and pay all excise taxes due upon such vehicle for his next full annual registration year. *(Bureau of Motor Vehicles; Vehicle Excise Tax Rule IX; filed Dec 22, 1971: Rules and Regs. 1972, p. 11; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

**140 IAC 2-1-10 Registration by mail**

Authority: IC 9-14-2-2

Affected: IC 6-6-5-6; IC 9-18

Sec. 10. Any vehicle owner who seeks to register his vehicle by mail, must send his bureau of motor vehicle's pre-printed application for certificate of registration or a photostatic copy of the owner's current valid certificate of registration to a bureau of motor vehicle license branch in the county in which the owner resides. The documentation sent to the bureau of motor vehicles must include the vehicles owner's motor vehicle liability insurance company and the motor vehicle liability insurance policy number. *(Bureau of Motor Vehicles; Vehicle Excise Tax Rule X; filed Dec 22, 1971: Rules and Regs. 1972, p. 11; filed Sep 23, 1988, 8:30 a.m.: 12 IR 246; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

**Rule 2. Semitrailers**

**140 IAC 2-2-1 Registration of a semitrailer and issuance of plate**

Authority: IC 9-14-2-2; IC 9-18-10-3

Affected: IC 9-13-2-164; IC 9-17-2; IC 9-18-2; IC 9-18-10; IC 9-29-5-6

Sec. 1. (a) A person who owns a semitrailer that is required to be registered in this state may register the vehicle:

(1) annually;

(2) on a five (5) year basis; or

(3) permanently.

(b) A person who registers a semitrailer under subsection (a) may apply for a farm plate or an International Registration Plan (IRP) plate. *(Bureau of Motor Vehicles; 140 IAC 2-2-1; filed Aug 23, 1994, 10:50 a.m.: 18 IR 9; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

**140 IAC 2-2-2 Five year semitrailer registration**

Authority: IC 9-14-2-2; IC 9-18-10-3

Affected: IC 9-13-2-164; IC 9-18-2; IC 9-18-10; IC 9-29-5-6

Sec. 2. (a) The registration year for a five (5) year semitrailer plate is any sixty (60) month period selected by the commissioner, and the vehicle must be registered or renewed before February 1 of the year subsequent to the last year of the five (5) year period.

(b) Notwithstanding subsection (a), an apportioned plate must be purchased or renewed before April 1 of the year subsequent to the last year of the five (5) year period.

(c) The bureau may designate any five (5) year period of time as registration years.

(d) Fees for five (5) year plates purchased during the sixty (60) month period shall be determined under IC 9-29-5-6(2).

(e) The plate may be transferred to another semitrailer except an apportioned plate may only be transferred to similar equipment within the same semitrailer fleet. (*Bureau of Motor Vehicles; 140 IAC 2-2-2; filed Aug 23, 1994, 10:50 a.m.: 18 IR 9; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-2-3 Permanent semitrailer registration**

Authority: IC 9-14-2-2; IC 9-18-10-3

Affected: IC 9-13-2-164; IC 9-18-2; IC 9-18-10; IC 9-29-5-6

Sec. 3. (a) The permanent semitrailer registration plate may contain the letters "no expiration date".

(b) The permanent semitrailer registration is void when the owner sells, disposes of, or does not annually renew the registration of the semitrailer. The plate cannot be transferred.

(c) If the annual record update fee provided for in IC 9-29-5-6(3)(B) is not paid before February 1, the bureau may provisionally suspend the plate of the following year. If the annual record update fee is not paid by that time, the bureau may permanently suspend the plate. If the registrant fails to surrender the suspended plate to the bureau or provide proof that the plate was lost, stolen, or destroyed, the bureau may suspend any other semitrailer or tractor plate assigned to the registrant. Proof of the loss, theft, or destruction may be evidenced by the completion of either State Form 37135/BMV (Application for Duplicate or Replacement License Plate) or other forms provided by the bureau.

(d) The annual record update fee for a semitrailer used for farm or nonfarm purposes is two dollars (\$2). (*Bureau of Motor Vehicles; 140 IAC 2-2-3; filed Aug 23, 1994, 10:50 a.m.: 18 IR 9; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**Rule 3. Ninety Day Temporary Registration Permits; Issuance**

**140 IAC 2-3-1 Proof of foreign citizenship**

Authority: IC 9-14-2-2

Affected: IC 9-18-2; IC 9-18-7

Sec. 1. Proof of foreign citizenship shall be demonstrated by a valid foreign passport issued to the registrant by the registrant's country of residence. (*Bureau of Motor Vehicles; 140 IAC 2-3-1; filed Aug 24, 1994, 1:35 p.m.: 18 IR 10; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-3-2 Proof of state of manufacture**

Authority: IC 9-14-2-2

Affected: IC 9-18-2; IC 9-18-7

Sec. 2. Proof of the state of manufacture of the vehicle to be registered shall be determined by the state of manufacture shown on the Certificate of Origin or similar document from the manufacturer of the vehicle. (*Bureau of Motor Vehicles; 140 IAC 2-3-2; filed Aug 24, 1994, 1:35 p.m.: 18 IR 10; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-3-3 Proof of intent**

Authority: IC 9-14-2-2

Affected: IC 9-18-2; IC 9-18-7

Sec. 3. Proof of intention to register the vehicle in a foreign country shall be demonstrated by an affirmation, under penalty of perjury, on a form provided by the bureau, of the registrant's intention to register the vehicle in a foreign country. (*Bureau of Motor Vehicles; 140 IAC 2-3-3; filed Aug 24, 1994, 1:35 p.m.: 18 IR 10; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-3-4 Proof of financial responsibility**

Authority: IC 9-14-2-2

Affected: IC 9-18-2; IC 9-18-7; IC 9-25

Sec. 4. A person qualifying for a ninety (90) day temporary registration permit under section 1 of this rule shall provide proof of financial responsibility in the same manner and amounts specified under IC 9-25, on a form provided by the bureau, before the permit may be issued. (*Bureau of Motor Vehicles; 140 IAC 2-3-4; filed Aug 24, 1994, 1:35 p.m.: 18 IR 10; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-3-5 Fee and service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-18-2; IC 9-18-7; IC 9-29-3-23; IC 9-29-5-26.5

Sec. 5. The fee for a ninety (90) day temporary registration permit is seventy-five dollars (\$75). The service charge (hereinafter referred to as the ninety (90) day service charge) which the license branch shall charge for issuing the permit is thirty-seven dollars and fifty cents (\$37.50). The ninety (90) day permit service charge shall be withheld from the seventy-five dollar (\$75) fee and deposited in the state license branch fund under IC 9-29-3-23. (*Bureau of Motor Vehicles; 140 IAC 2-3-5; filed Aug 24, 1994, 1:35 p.m.: 18 IR 10; errata, 18 IR 268; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-3-6 Display of permit**

Authority: IC 9-14-2-2

Affected: IC 9-18-2-26; IC 9-18-7

Sec. 6. A ninety (90) day permit shall be displayed in the same manner as a standard license plate for that distinct vehicle type as set forth in IC 9-18-2-26. (*Bureau of Motor Vehicles; 140 IAC 2-3-6; filed Aug 24, 1994, 1:35 p.m.: 18 IR 10; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-3-7 Month and year stickers**

Authority: IC 9-14-2-2

Affected: IC 9-18-2; IC 9-18-7

Sec. 7. The sticker indicating the month of expiration shall be placed in the upper left corner of the ninety (90) day permit. The sticker indicating the year of expiration shall be placed in the upper right corner of the ninety (90) day permit. Neither sticker shall obscure any letters or numbers appearing upon the ninety (90) day permit, except that a sticker indicating a subsequent year of expiration may obscure the original year upon the upper right corner of the ninety (90) day permit. (*Bureau of Motor Vehicles; 140 IAC 2-3-7; filed Aug 24, 1994, 1:35 p.m.: 18 IR 10; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**Rule 4. Special Group Recognition License Plates; Issuance**

**140 IAC 2-4-1 Statement of intent**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-170; IC 9-18-25

Sec. 1. (a) The bureau of motor vehicles will administer the issuance of special group license plates to honor deserving organizations that have made significant civic, community, and charitable contributions in Indiana or are descendants of native or pioneer residents of Indiana under IC 9-13-2-170.

(b) The bureau of motor vehicles may, in its discretion, limit the number of new special group recognition plate types authorized in any one (1) year or years to regulate the proliferation of special group recognition plate types due to the following concerns:

- (1) Proliferation of special group recognition plate types makes proper identification of vehicles by law enforcement officers and other individuals more difficult.
- (2) Proliferation weakens the distinction of special group recognition plates for deserving organizations which have previously qualified for special group status.
- (3) Proliferation adversely effects the efficient distribution of license plates through the license branch system operated by the bureau of motor vehicles commission.

*(Bureau of Motor Vehicles; 140 IAC 2-4-1; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2673; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

#### **140 IAC 2-4-2    Petition for special group status**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-170; IC 9-18-25

Sec. 2. (a) An organization wishing to participate in the special group recognition license plate program must indicate to the bureau of motor vehicles its intent to be included in the special group recognition license plate program by filing a petition with the bureau of motor vehicles no later than March 31 of the calendar year immediately preceding the calendar year the special group recognition plates are to be issued.

(b) The organization must include the following information with its petition for inclusion in the special group recognition program:

- (1) A description of the organization, including the following information:
  - (A) The purpose of the organization.
  - (B) The philosophy or mission statement of the organization.
  - (C) The length of time the organization has been in existence.
  - (D) The number of active members in the organization.
  - (E) The organization's unique significance to the United States, Indiana, or the organization's community.
- (2) A statement of the group's objective in obtaining a special group recognition license plate.
- (3) A sworn statement from an authorized officer of the organization which affirms that, to the best knowledge of such officer, the organization does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability in contravention of any federal, state, or local law, regulation, decree, or order in the selection of its members, its civic activities, or its services provided to the community it serves.
- (4) A statement of the intended organizational uses of the funds, if any, raised through the sale of the plate.
- (5) A certified copy of the organization's charter or articles of incorporation.
- (6) A color drawing of the preliminary plate design.
- (7) A statement describing the active membership of the organization who would be eligible for the special group recognition plate.
- (8) Written documentation evidencing that the organization is not-for-profit in the manner provided in section 6 of this rule.
- (9) Such other documentation or other information that the bureau of motor vehicles deems necessary to determine whether the organization qualifies for special group recognition status.

No petition will be considered until all of the information in this subsection is filed with the bureau of motor vehicles. The bureau of motor vehicles will notify the organization no later than May 1 of the calendar year in which the petition is filed whether the petition has been approved or not approved. *(Bureau of Motor Vehicles; 140 IAC 2-4-2; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2673; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228)*

**140 IAC 2-4-3 Submission of list of applicants; extension; expenses**

Authority: IC 9-14-2-2

Affected: IC 9-18-25-5

Sec. 3. (a) Subsequent to petition approval by the bureau of motor vehicles, but no later than July 31 of the calendar year immediately preceding the calendar year the special recognition license plates are to be issued, the organization must submit to the bureau of motor vehicles a list of the names and addresses of all persons who have submitted applications to the organization for the group's proposed special group recognition plate.

(b) The list submitted to the bureau of motor vehicles must contain no less than five hundred (500) applicants.

(c) Submission of a list containing one (1) or more names of individuals who have not actually applied for the plate will be grounds for rejection of the proposed special group recognition plate.

(d) In the event the organization's petition is approved but the organization cannot provide the bureau of motor vehicles with the list of applicants in the numbers required by the due date, the organization may request in writing, no later than thirty (30) days subsequent to the due date, a one (1) time one (1) year extension to obtain a sufficient number of applicants desiring to purchase the proposed special group recognition plate.

(e) If the organization fails to request an extension, or is still unable to submit a list with a sufficient number of applicants at the conclusion of the one (1) year extension, the petition originally filed by the organization will no longer be valid.

(f) In the event the organization's petition is approved by the bureau, the organization will be required to reimburse the bureau for expenses incurred due to the production of extraordinary special group plate design and plate display costs. (*Bureau of Motor Vehicles; 140 IAC 2-4-3; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674; readopted filed Oct 17, 2001, 3:52 p.m.: 25 IR 910*)

**140 IAC 2-4-4 Posting surety bond**

Authority: IC 9-14-2-2

Affected: IC 9-18-25

Sec. 4. (a) Simultaneously with the submission of the list of applicants required under section 3 of this rule, the organization must submit a bond issued by a surety company authorized to transact business in Indiana.

(b) The bond must be in a total amount of six thousand dollars (\$6,000) and may not be cancelled without ten (10) days' prior notice to the bureau of motor vehicles.

(c) In the event the new special group recognition license plate is issued and less than five hundred (500) such plates are sold in the first year in which the plate is available, the bond must be conditioned for payments to the bureau of motor vehicles according to the following formula:

$$(500 - \text{number of plates sold}) \times \$12$$

(d) Once five hundred (500) of the new special group recognition plates are sold, in the first year in which the plate is available, the bond will be returned to the organization.

(e) If over five hundred (500) plates are sold in the first year in which the plate is available, submission of a bond will not be required for subsequent years. (*Bureau of Motor Vehicles; 140 IAC 2-4-4; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674; readopted filed Oct 17, 2001, 3:52 p.m.: 25 IR 910*)

**140 IAC 2-4-5 Preproduction requirements and costs**

Authority: IC 9-14-2-2

Affected: IC 9-18-25

Sec. 5. (a) Prior to August 1 of the calendar year immediately preceding the calendar year of issuance of the special group recognition license plate, the organization must submit camera-ready artwork to the bureau of motor vehicles to be used for plate production. If necessary, the organization may request that the bureau of motor vehicles use the services of the department of correction to prepare such camera-ready artwork provided that the organization must reimburse the state for such artwork.

(b) Prior to January 1 of the calendar year the special group recognition plate is to be issued, the organization must pay all other preproduction costs incurred, for example, silk screening, necessary to begin the production of that organization's special group recognition plate. (*Bureau of Motor Vehicles; 140 IAC 2-4-5; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674; readopted filed Jul 30,*

2001, 10:24 a.m.: 24 IR 4228)

**140 IAC 2-4-6 Not-for-profit**

Authority: IC 9-14-2-2

Affected: IC 9-18-25

Sec. 6. (a) An organization participating in the special group recognition license plate program shall demonstrate to the satisfaction of the bureau of motor vehicles that it is a not-for-profit organization.

(b) Not-for-profit status may be demonstrated either by a determination letter from the Internal Revenue Service (letter 947 or equivalent) as to the organization's qualification for exemption from taxation under Section 501 of the Internal Revenue Code, or by a Not-For-Profit Tax Registration Certificate or equivalent from the department of state revenue.

(c) Other documentation evidencing not-for-profit status will be subject to review by the bureau of motor vehicles. (*Bureau of Motor Vehicles; 140 IAC 2-4-6; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-4-7 Nondiscriminatory; nonrecreational**

Authority: IC 9-14-2-2

Affected: IC 9-18-25

Sec. 7. (a) An organization participating in the special group recognition license plate program must not discriminate in its membership practices, activities, or provision of services to its community in contravention of federal, state, or local law, regulation, decree, or order.

(b) Organizations predominantly recreational in purpose will not be eligible for inclusion in the special group recognition plate program. (*Bureau of Motor Vehicles; 140 IAC 2-4-7; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-4-8 Separate, unique organization**

Authority: IC 9-14-2-2

Affected: IC 9-18-25-6

Sec. 8. The bureau may require any organization participating in the special group recognition license plate program to prove to the satisfaction of the bureau of motor vehicles that it is a separate, unique organization with an independently verifiable number of members, by providing to the bureau of motor vehicles the names and addresses of all members of the group at the time of application for inclusion in the special group recognition license plate program, and, at any later time, upon the written request of the bureau of motor vehicles. (*Bureau of Motor Vehicles; 140 IAC 2-4-8; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**140 IAC 2-4-9 Loss of status; renewal process**

Authority: IC 9-14-2-2; IC 9-18-2-47

Affected: IC 9-18-25-15

Sec. 9. (a) If an organization fails to meet the requirements of IC 9-18-25-15 or this rule, the bureau of motor vehicles may terminate that organization's qualification for the special group recognition license plate program, and no further special group recognition license plates shall be issued for that organization.

(b) The failure of an organization to meet the requirements of IC 9-18-25-15 or this rule may be considered by the bureau of motor vehicles when reviewing any subsequent petition by that organization for participation in the special group recognition license plate program.

(c) An organization participating in the special group recognition plate program shall indicate its intent to remain in the program for a subsequent plate cycle, in writing, to the bureau of motor vehicles prior to April 1 of the calendar year immediately preceding the beginning of the next plate cycle. (*Bureau of Motor Vehicles; 140 IAC 2-4-9; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675; readopted filed Oct 17, 2001, 3:52 p.m.: 25 IR 911*)

**140 IAC 2-4-10 Miscellaneous provisions**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-170; IC 9-18-25

Sec. 10. (a) This rule shall not apply to organizations which have been recognized by the bureau of motor vehicles as a special group as of January 1, 1994.

(b) The commissioner of the bureau of motor vehicles of the state of Indiana may waive one (1) or more of the foregoing requirements contained in this rule if, in his or her determination, the organization qualifies for special group status under IC 9-13-2-170 but, due to the unique nature of the organization, cannot satisfy such requirements. The organization shall have the burden of providing written proof that the organization is entitled to a waiver under this section. (*Bureau of Motor Vehicles; 140 IAC 2-4-10; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228*)

**ARTICLE 3. SPECIAL SALES DIVISION**

**Rule 1. Vehicle Weight Identification Tag Numbers (Repealed)**

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

**Rule 2. Dealer Plates (Repealed)**

(*Repealed by Bureau of Motor Vehicles; filed Jan 14, 1980, 11:50 a.m.: 3 IR 158*)

**Rule 2.1. Dealer Plates and Licensing (Repealed)**

(*Repealed by Bureau of Motor Vehicles; filed Jan 5, 1994, 5:00 p.m.: 17 IR 979*)

**Rule 3. Salvage Motor Vehicle Regulations**

**140 IAC 3-3-1 Purpose**

Authority: IC 9-14-2-2; IC 9-22-1; IC 9-22-4

Affected: IC 9-13-2; IC 9-22

Sec. 1. The purpose of these regulations is to provide procedures and directives to facilitate the administration by the Bureau of Motor Vehicles of issuing licenses to disposal facilities and automotive salvage rebuilders for certain business activities involving, or related to, the acquisition, rebuilding, recycling or disposal of salvage or distressed motor vehicles and major component parts of such vehicles. These rules and regulations are promulgated pursuant to the authority granted to the Commissioner of Motor Vehicles under IC 9-14-2-2. (*Bureau of Motor Vehicles; 140 IAC 3-3-1; filed Apr 28, 1981, 9:35 a.m.: 4 IR 903; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-2 Definitions**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-22

Sec. 2. DEFINITIONS. The following are definitions for terms and phrases pertaining to these rules and regulations:

(1) Commissioner—The term “Commissioner” shall mean the Commissioner of the Bureau of Motor Vehicles of the State of Indiana.

(2) Salvage Motor Vehicle—As defined in IC 9-13-2-160.

(3) Source Vehicle—The term “source vehicle” shall mean a specific vehicle from which a major component part is removed.

(4) Major Component Parts—The term “major component parts” shall be those reusable parts obtained from salvage motor vehicles for which records shall be maintained by disposal facilities and automotive salvage rebuilders [*sic., in*] IC 9-22. Those major component parts which have been rebuilt, reconditioned, or restored by a production rebuilder acquiring such parts for refurbishing purposes shall not be subject to the provisions of these rules and regulations.

(5) Disposal Facility—As defined in IC 9-13-2-44.

(6) Automotive Salvage Rebuilder—As defined in IC 9-13-2-9.

(7) Model Year—The term “model year” shall mean the year designated by the manufacturer for production and product identification purposes which is used for titling, registration and recordkeeping purposes.

(8) V.I.N.—The term “V.I.N.” shall mean the vehicle identification number as placed on the vehicle by the manufacturer or supplied by the Bureau of Motor Vehicles.

(9) Scrap Metal Processor—As defined in IC 9-13-2-162.

(10) Stock Number—The term “stock number” shall mean the number assigned by the disposal facility or automotive salvage rebuilder for the purpose of identifying a salvage motor vehicle or major component part at the respective business.

(11) Date—The term “date” shall mean the date of transfer of ownership as shown on the title, bill of sale, invoice, or other appropriate document.

*(Bureau of Motor Vehicles; 140 IAC 3-3-2; filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228)*

#### **140 IAC 3-3-3 Major component parts subject to record keeping**

Authority: IC 9-14-2-2

Affected: IC 9-22

Sec. 3. MAJOR COMPONENT PARTS SUBJECT TO RECORDKEEPING. Major component parts subject to recordkeeping requirements as authorized under IC 9-22 are:

- (1) Frame
- (2) Engine
- (3) Transmission
- (4) Trans-axle
- (5) Transfer Case
- (6) Differential Assembly
- (7) Axle Assembly
- (8) Cab
- (9) Hood
- (10) Fenders
- (11) Deck Lid
- (12) Doors (includes side and rear doors, hatches and gates)
- (13) Body (includes box or bed, as appropriate)
- (14) Front End Assembly (means the front body section consisting of hood, fenders, radiator support and bumper assembly, as a unit)
- (15) Center (cowl) Section (means a body section or clip which includes the cowl)
- (16) Rear Section (means a body section or clip, without the cowl, consisting of quarter sections, deck lid, and bumper assembly, as a unit).

Major component parts as they apply to a motorcycle shall include only the engine and frame. *(Bureau of Motor Vehicles; 140 IAC 3-3-3; filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228)*

#### **140 IAC 3-3-4 Record keeping; parts marking**

Authority: IC 9-14-2-2; IC 9-22-1

Affected: IC 9-22

Sec. 4. RECORDKEEPING—PARTS MARKING. All major component parts which have been removed from acquired source vehicles or otherwise obtained shall be identified and marked with the V.I.N., serial number or stock number. Such number shall be recorded in the proper prescribed register in accordance with the provisions required under section 6 of this rule. *(Bureau of Motor Vehicles; 140 IAC 3-3-4; filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228)*

**140 IAC 3-3-5 Sale of salvage motor vehicles or major component parts**

Authority: IC 9-14-2-2; IC 9-22-1

Affected: IC 9-22

Sec. 5. SALE OF SALVAGE MOTOR VEHICLES OR MAJOR COMPONENT PARTS. All bills of sale, where present, and invoices for salvage motor vehicles must contain the V.I.N. of the vehicle, and all bills of sale, where present, and invoices for major component parts must contain the assigned stock number. (*Bureau of Motor Vehicles; 140 IAC 3-3-5; filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-6 Record keeping requirements for salvaging businesses**

Authority: IC 9-14-2-2; IC 9-22-1

Affected: IC 9-22-4

Sec. 6. The commissioner shall prescribe the format and the forms that must be used by each business licensed to carry on the business activities as outlined in IC 9-22-4. Each business shall record the purchase and sale of salvage motor vehicles and the purchase and sale of major component parts purchased or sold in the normal course of business operations. Two (2) main registers must be maintained by the disposal facilities and automotive salvage rebuilders as follows:

(1) A vehicle register shall be maintained and the following information recorded on all salvage motor vehicles purchased and sold:

- (A) The date of purchase and sale of each salvage motor vehicle.
- (B) The vehicle description and identification: model year, model type, make, and V.I.N.
- (C) The stock number.
- (D) The title number or other ownership document and the issuing authority.
- (E) The name and address of the business or person from whom the salvage motor vehicle was acquired, and the name and address of the person or business to whom the salvage motor vehicle was sold or otherwise disposed of.
- (F) The invoice number, if applicable, evidencing the purchase or acquisition of the salvage motor vehicle.
- (G) The invoice number, if applicable, evidencing the sale or disposed of the salvage motor vehicle.
- (H) Such other information as the commissioner may require.

(2) A major component parts register shall be maintained and the following information recorded on all major component parts purchased and sold:

- (A) The following for major component parts removed from acquired vehicles:
  - (i) The vehicle description and identification, including the V.I.N., serial number, stock number, or other reference number.
  - (ii) The description and identification of the source vehicle of the major component part as contained in the vehicle register.
  - (iii) The name and address of the person or business to whom the major component part was sold.
  - (iv) The date and invoice number, if applicable, evidencing the sale of the major component part.
  - (v) Such other information as the commissioner may require.
- (B) For major component parts acquired from other than a salvage motor vehicle owned by the disposal facility or automotive salvage rebuilder, the major component parts register shall contain, in addition to those listed above in clause (A), the following information:
  - (i) The name and address of the person or business from whom the major component part was acquired.
  - (ii) The date and invoice number, if applicable, evidencing the purchase or acquisition of the major component part.

(*Bureau of Motor Vehicles; 140 IAC 3-3-6; filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Oct 17, 2001, 4:20 p.m.: 25 IR 911*)

**140 IAC 3-3-7 Alternative to prescribed forms**

Authority: IC 9-14-2-2; IC 9-22-1

Affected: IC 9-22

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BUREAU OF MOTOR VEHICLES

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Sec. 7. ALTERNATIVE TO PRESCRIBED FORMS. Any disposal facility or automotive salvage rebuilder which wishes to generate information to be contained in the vehicle register and the major component parts register by a data processing report or other comparable report may submit such report format to the Commissioner for approval in lieu of utilizing the prescribed forms required by the Commissioner for such recordkeeping purposes. (*Bureau of Motor Vehicles; 140 IAC 3-3-7; filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-8 Model years for record keeping purposes**

Authority: IC 9-14-2-2

Affected: IC 9-22

Sec. 8. MODEL YEARS FOR RECORDKEEPING PURPOSES. All disposal facilities or automotive salvage rebuilders shall keep and maintain records on the current model year and immediate four preceding model years for all salvage motor vehicles as indicated in section 6 of this rule.

Example: During calendar year 1981, coverage shall apply to vehicles and major component parts designated as 1977 and newer model years, including 1982 models, when introduced. As of January 1, 1982, the 1977 model year is dropped, and 1978 becomes the oldest model year subject to coverage.

Any salvage motor vehicle or major component part which is subject to recordkeeping procedures by law and per these rules and regulations which has been acquired and entered into the vehicle register or major component parts register shall be subject to recordkeeping for disposal purposes even though the sale of such vehicle or part is beyond the five-year provisions of these rules and regulations. (*Bureau of Motor Vehicles; 140 IAC 3-3-8; filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-9 Verification of seller's identity**

Authority: IC 9-14-2-2

Affected: IC 9-22

Sec. 9. VERIFICATION OF IDENTIFICATION OF PERSON OR BUSINESS. All disposal facilities or automotive salvage rebuilders must take reasonable steps to verify the identify of the person from whom a salvage motor vehicle or major component part is purchased. (*Bureau of Motor Vehicles; 140 IAC 3-3-9; filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-10 Return of titles to Bureau of Motor Vehicles**

Authority: IC 9-14-2-2

Affected: IC 9-22-3

Sec. 10. RETURN OF TITLES TO BUREAU OF MOTOR VEHICLES. In accordance with the provisions of IC 9-22-3 all disposal facilities or automotive salvage rebuilders which shred, crush, bale or otherwise alter the vehicle frame and body so that they cannot be used on or as a motor vehicle, shall be responsible for returning to the Bureau of Motor Vehicles, on a monthly basis, the certificates of title for such vehicles. Disposal facilities and scrap metal processors which acquire motor vehicles in a crushed, baled or shredded condition are not required to obtain a certificate of title for such vehicles. (*Bureau of Motor Vehicles; 140 IAC 3-3-10; filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-11 Compliance with licensing requirement**

Authority: IC 9-14-2-2; IC 9-22-4-12

Affected: IC 9-22

Sec. 11. COMPLIANCE WITH LICENSING REQUIREMENT. It is the intent and purpose of these rules and regulations that if a proper application for license has been filed prior to March 1 of any year and remains under review after that date, the applicant shall be considered to be in reasonable compliance with the requirement to apply for and obtain the required license,

pending issuance of the license or notice of rejection or denial of the application. If an application for license is rejected or denied, the license fee shall be returned to the applicant with a notice and explanation of such action. (*Bureau of Motor Vehicles; 140 IAC 3-3-11; filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-12 Salvage motor vehicle license revocation and suspension**

Authority: IC 9-14-2-2

Affected: IC 4-21.5; IC 9-22

Sec. 12. REVOCATION AND SUSPENSION OF A SALVAGE MOTOR VEHICLE LICENSE. The Commissioner, under IC 9-22 may revoke or suspend the license of a disposal facility or automotive salvage rebuilder after conducting a hearing under IC 4-21.5, and determining the administrative action that is required and justified.

(1) Cause for Suspension or Revocation-The Commissioner may suspend or revoke a license if it has been determined that:

- (A) The licensee made a material misrepresentation in the Application for License.
- (B) The licensee committed a fraudulent act in connection with his business activity.
- (C) The licensee committed a material violation of the information and recordkeeping requirements.
- (D) The licensee failed to surrender and return a Certificate of License upon suspension or revocation.
- (E) The licensee committed a violation of any rule or regulation of the Bureau of Motor Vehicles concerning salvage motor vehicles.

(2) Revocation—Any flagrant or repeated direct and material violation described in Paragraph A of this Rule shall be cause for revocation. Revocation shall be for the balance of the license year period. Revocation may be considered cause for subsequent denial of an application for license for a period of up to three years from the date of revocation.

(3) Suspension—Any direct and material violation described in Paragraph A of this Rule shall be cause for suspension. Such suspension shall be for a time certain, from a minimum of 30 days to a maximum of 12 months for each violation, and may extend beyond the end of a license year period. The Commissioner may, at his discretion, place a disposal facility or automotive salvage rebuilder on probation for up to one year for any material violation described in Paragraph A of this Rule.

(*Bureau of Motor Vehicles; 140 IAC 3-3-12; filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-13 Return of suspended or revoked licenses**

Authority: IC 9-14-2-2; IC 9-22-4-12

Affected: IC 9-22

Sec. 13. RETURN OF SUSPENDED OR REVOKED LICENSE. All licenses suspended or revoked by action of the Commissioner shall be returned to the Bureau of Motor Vehicles in person or by first class mail within 15 days from the date of the demand for the return of such license. In the event the license is not returned to the Commissioner, the Commissioner shall request a police officer or Bureau of Motor Vehicles enforcement officer to retrieve the license for the state. Failure to return such license is a violation of these rules and regulations and may result in an additional term of suspension or revocation. (*Bureau of Motor Vehicles; 140 IAC 3-3-13; filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-14 Commissioner's cease and desist order**

Authority: IC 9-14-2-2; IC 9-22-4-12

Affected: IC 9-22-4

Sec. 14. ISSUANCE OF CEASE AND DESIST ORDER BY COMMISSIONER. All businesses engaged in the business activities as identified in IC 9-22-4 must be properly licensed to carry out such business activities and functions. Failure to obtain a license or having a license suspended or revoked by the Commissioner shall be cause for an order to cease and desist all such business activities to be issued by the Commissioner. The Commissioner shall notify the Superintendent of the Indiana State Police of all such orders issued to cease and desist business. (*Bureau of Motor Vehicles; 140 IAC 3-3-14; filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-15 License reinstatement**

Authority: IC 9-14-2-2; IC 9-22-4-12

Affected: IC 9-22-4

Sec. 15. REINSTATEMENT OF REVOKED LICENSE. Any person who has had his license for any disposal facility or automotive salvage rebuilder revoked by the Commissioner may apply for a reinstatement of such license or a renewal license no sooner than 30 days prior to the end of the revocation period. (*Bureau of Motor Vehicles; 140 IAC 3-3-15; filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-3-16 General applicability**

Authority: IC 9-14-2-2; IC 9-22-4-12

Affected: IC 9-13-2-9; IC 9-22

Sec. 16. GENERAL APPLICABILITY OF THESE RULES AND REGULATIONS. Any person or business not normally carrying on the business functions of a disposal facility or automotive salvage rebuilder but who conducts business activities of a disposal facility or automotive salvage rebuilder as defined in IC 9-13-2-9, may, upon investigation by the Commissioner, be classified as a disposal facility or automotive salvage rebuilder and be subject to the licensing provisions and recordkeeping requirements of IC 9-22, and these rules and regulations. (*Bureau of Motor Vehicles; 140 IAC 3-3-16; filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**Rule 4. Transport Operator Plates****140 IAC 3-4-1 Businesses eligible for transport operator plates**

Authority: IC 9-14-2-2; IC 9-18-2-23

Affected: IC 9-18

Sec. 1. Transport Operator Plates will be issued to the following types of businesses:

- (a) Driveaway companies having department of state revenue operating authority,
- (b) Wrecker and Towing Services with or without department of state revenue authority,
- (c) Cleanup Shops, which prepare vehicles for delivery by auto dealers,
- (d) Private Companies which prepare their own newly purchased vehicles and deliver them to the location where the vehicles will be based, titled, and registered.

(*Bureau of Motor Vehicles; Special Sales Rule 2(1); filed Jan 14, 1980, 11:50 a.m.: 3 IR 159; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-4-2 Insurance coverage**

Authority: IC 9-14-2-2; IC 9-18-2-23

Affected: IC 9-18; IC 9-25

Sec. 2. Any Transport Operator not having department of state revenue operating authority shall provide evidence of insurance equal to the limits prescribed by the department of state revenue or Dealer Laws. (*Bureau of Motor Vehicles; Special Sales Rule 2(2); filed Jan 14, 1980, 11:50 a.m.: 3 IR 159; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

**140 IAC 3-4-3 Change of address**

Authority: IC 9-14-2-2; IC 9-18-2-23

Affected: IC 9-18

Sec. 3. Any transport operator changing his registered place of business must notify the bureau of motor vehicles within ten (10) days of the relocation and obtain corrected registration certificates for each pair of plates issued. (*Bureau of Motor Vehicles;*

140 IAC 3-4-3; filed Sep 23, 1988, 8:30 a.m.: 12 IR 249; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228)

## **Rule 5. Training Car Plates**

### **140 IAC 3-5-1 Utilization of training car plates**

Authority: IC 9-14-2-2

Affected: IC 9-18-2-29; IC 9-24-7

Sec. 1. Utilization of Training Car Plates. (1) Training car plates may be used on motor vehicles only for giving behind-the-wheel instruction under the direct supervision of a qualified driving instructor employed by the school and approved by the State Department of Public Instruction or other appointed authority.

(2) Training car plates may not be used on motor vehicles for any activities not associated with driver training such as transporting individuals to and from athletic events, transporting individuals to and from extra-curricular activities or transporting school personnel.

(3) Training car plates may not be used on motor vehicles for personal use.

(4) Training car plates may, however, be utilized on training cars being driven to and from a garage for service or storage. (*Bureau of Motor Vehicles; Special Sales Rule 1; filed Jan 14, 1980, 11:50 a.m.: 3 IR 159; errata, 7 IR 389; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228*)

## **ARTICLE 3.5. DEALER PLATES AND LICENSING**

### **Rule 1. Definitions**

#### **140 IAC 3.5-1-1 Applicability**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 1. The definitions in this rule apply throughout this article. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-1; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

#### **140 IAC 3.5-1-2 “Automobile auctioneer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-7; IC 9-23

Sec. 2. “Automobile auctioneer” has the meaning set forth in IC 9-13-2-7. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-2; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

#### **140 IAC 3.5-1-3 “Automotive salvage rebuilder” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-9; IC 9-23

Sec. 3. “Automotive salvage rebuilder” has the meaning set forth in IC 9-13-2-9. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-3; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

#### **140 IAC 3.5-1-4 “Automotive salvage recycler” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-10; IC 9-23

Sec. 4. “Automotive salvage recycler” has the meaning set forth in IC 9-13-2-10. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-4; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-5 “Broker” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-15; IC 9-23

Sec. 5. “Broker” has the meaning set forth in IC 9-13-2-15. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-5; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-6 “Certificate of origin” or “manufacturer's state of origin” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 6. “Certificate of origin” or “manufacturer's statement of origin” refers to the original ownership document for a vehicle issued by a manufacturer and provided to the initial purchaser of that vehicle so as to begin the chain of ownership of that vehicle. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-6; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-7 “Commissioner” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-33; IC 9-23

Sec. 7. “Commissioner” has the meaning set forth in IC 9-13-2-33. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-7; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-8 “Consignee” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 8. “Consignee” means a dealer who receives a vehicle for the purpose of offering the vehicle for sale but title to which is held by another person. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-8; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-9 “Consignment sales” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 9. “Consignment sales” refers to a sale in which the dealer sells or offers for sale, for compensation or not, a vehicle which is not titled or assigned to the dealer. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-9; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-10 “Consignor” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 10. “Consignor” means the titled or assigned owner of a vehicle who consigns a vehicle to a dealer. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-10; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-11 “Converter manufacturer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-37; IC 9-23

Sec. 11. "Converter manufacturer" has the meaning set forth in IC 9-13-2-37. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-11; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-12 "Dealer" defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-42; IC 9-18; IC 9-23

Sec. 12. "Dealer" has the meaning set forth in IC 9-13-2-42. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-12; filed Jan 5, 1994, 5:00 p.m.: 17 IR 970; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-13 "Dealer plate" defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23

Sec. 13. "Dealer plate" means a classification of metal registration plates issued by the bureau of motor vehicles to a licensed dealer, manufacturer, converter manufacturer, distributor, transfer dealer, wholesale dealer, automobile auctioneer, or broker. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-13; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-14 "Designee" defined**

Authority: IC 9-14-2-2; IC 9-18-26-8

Affected: IC 6-6-5; IC 9-13-2; IC 9-18-26-8; IC 9-23

Sec. 14. "Designee" refers to any person, including an employee, to which a dealer or manufacturer has granted the use of a vehicle, under IC 9-18-26-8, in the dealer's or manufacturer's inventory displaying a dealer-new, dealer-used, or manufacturer registration plate. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-14; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-15 "Established place of business" defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-50; IC 9-23

Sec. 15. "Established place of business" has the meaning set forth in IC 9-13-2-50 and outlined in 140 IAC 3.5-2. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-15; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-16 "License year" defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23-2-8

Sec. 16. "License year" refers to a twelve (12) month period commencing and ending in accordance with IC 9-23-2-8. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-16; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-17 "Manufacturer" defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-97; IC 9-23

Sec. 17. "Manufacturer" has the meaning set forth in IC 9-13-2-97. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-17; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-18 “Mobile home” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 18. “Mobile home” means a movable or portable dwelling without motive power constructed to be towed on its own chassis and capable of being connected to utilities for human occupancy. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-18; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-19 “Mobile home dealer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 19. “Mobile home dealer” means a person who is properly licensed as a dealer under IC 9-23 and who sells over fifty percent (50%) of total unit sales as mobile homes. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-19; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-20 “Motor vehicle industry sponsored trade show” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 20. “Motor vehicle industry sponsored trade show” means the exhibition of vehicles by a motor vehicle trade association to provide the general public the opportunity to review and inspect vehicles at a single location. All trade association members must be invited to participate in the trade show. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-20; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-21 “Motor vehicle trade association” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 21. “Motor vehicle trade association” refers to:

(1) a statewide association of licensed dealers with a membership greater than one hundred (100) dealers; or

(2) a local association of licensed dealers with a membership of at least eighty percent (80%) of the dealers in the local area.

(*Bureau of Motor Vehicles; 140 IAC 3.5-1-21; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-22 “New or used motorcycle dealer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 22. “New or used motorcycle dealer” means a person who is properly licensed as a dealer under IC 9-23 and who sells over fifty percent (50%) of total unit sales as new or used motorcycles. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-22; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-23 “Place of business” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 23. “Place of business” means the business location of a transfer dealer. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-23; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-24      “Primary business” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 24. “Primary business” means the business activity which generates more than fifty percent (50%) of the gross revenue of the business or enterprise. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-24; filed Jan 5, 1994, 5:00 p.m.: 17 IR 971; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-25      “Recreational vehicle” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-150; IC 9-23

Sec. 25. “Recreational vehicle” has the meaning set forth in IC 9-13-2-150. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-25; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-26      “Recreational vehicle dealer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 26. “Recreational vehicle dealer” means a person who is properly licensed as a dealer under IC 9-23 and who sells over fifty percent (50%) of total unit sales as recreational vehicles. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-26; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-27      “Set of plates” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23

Sec. 27. “Set of plates” means the first two (2) dealer or manufacturer plates issued by a licensed dealer or manufacturer. Issuances commencing with the third plate shall not be referred to as sets. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-27; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-28      “Trailer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-184; IC 9-18; IC 9-23

Sec. 28. “Trailer” has the meaning set forth in IC 9-13-2-184. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-28; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-29      “Trailer dealer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23

Sec. 29. “Trailer dealer” means a person who is properly licensed as a dealer under IC 9-23 and who sells over fifty percent (50%) of total unit sales as trailers. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-29; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-30      “Transfer dealer” defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-185; IC 9-23

Sec. 30. "Transfer dealer" has the meaning set forth in IC 9-13-2-185. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-30; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-1-31 "Wholesale dealer" defined**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-199; IC 9-23

Sec. 31. "Wholesale dealer" has the meaning set forth in IC 9-13-2-199. (*Bureau of Motor Vehicles; 140 IAC 3.5-1-31; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**Rule 2. Application of Article**

**140 IAC 3.5-2-1 Issuance and use of dealer plates**

Authority: IC 9-14-2-2

Affected: IC 9-18-26; IC 9-23; IC 9-29

Sec. 1. Dealer plates may be issued to a person properly licensed under IC 9-23. The dealer plates issued, however, may be affixed only to vehicles primarily used or stored at an address within Indiana. (*Bureau of Motor Vehicles; 140 IAC 3.5-2-1; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-2-2 Certificates of origin for converted vehicles**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18; IC 9-23

Sec. 2. A licensed dealer, manufacturer, converter manufacturer, or transfer dealer who converts any type of vehicle, on which a certificate of origin has already been issued, into another type of motor vehicle on which the manufacturer, converter manufacturer, dealer, or transfer dealer issues a second certificate of origin must provide both the initial certificate of origin and the second certificate of origin upon transfer of the vehicle. (*Bureau of Motor Vehicles; 140 IAC 3.5-2-2; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

**140 IAC 3.5-2-3 Classification of dealer plates**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23; IC 9-29

Sec. 3. (a) In addition to the dealer-new, dealer-used, and manufacturer plates authorized by IC 9-18-26, the following classifications of dealer plates are authorized:

(1) Motorcycle dealer-new.

(2) Motorcycle dealer-used.

(3) Transfer dealer.

(b) Transfer dealer plates may be utilized by the following parties:

(1) Automobile salvage rebuilder.

(2) Automotive salvage recycler.

(3) Financial institutions dealing in repossessed vehicles.

(4) Insurance companies dealing in repossessed or salvaged motor vehicles.

(5) Any other type of business meeting the requirements of a transfer dealer as outlined in section 9 of this rule which, because of the nature of its business, has the need to transfer ownership of twelve (12) or more vehicles retail within any twelve (12) month period.

(c) A person properly licensed as a dealer under IC 9-23 is eligible to apply for dealer-new or dealer-used plates, including the following:

(1) Mobile home dealers.

(2) Recreational vehicle dealers.

(3) Trailer dealers.

(4) Wholesale dealers.

(d) Motorcycle dealers are eligible to apply for motorcycle dealer-new or motorcycle dealer-used plates.

(e) Persons licensed as a manufacturer, converter manufacturer, factory representative, factory branch, distributor, distributor representative, or distributor branch shall be eligible to apply for manufacturer plates. (*Bureau of Motor Vehicles; 140 IAC 3.5-2-3; filed Jan 5, 1994, 5:00 p.m.: 17 IR 972; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

#### **140 IAC 3.5-2-4 Dealer license requirements**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23-2-10

Sec. 4. Under IC 9-23, dealers designated dealer-new, dealer-used, motorcycle dealer-new, and motorcycle dealer-used shall meet the following requirements:

(1) A dealer must have a license issued by the commissioner in order to receive dealer plates.

(2) An application for a new dealer license and dealer plates may be submitted any time prior to December 15 for the current license year. A dealer license renewal application may be submitted thirty (30) days prior to the license expiration date.

(3) An applicant who applies for a license after December 15 shall be eligible to be licensed for the following year.

(4) Only one (1) dealer can be licensed from the same address or established place of business.

(5) In addition to the requirements outlined in IC 9-23, a dealer must meet the following minimum requirements:

(A) The dealer must provide a federal identification number and a retail merchant's certificate number.

(B) The dealer must, for the entire licensing period, have an established place of business with an Indiana address other than an Indiana post office box address. Dealer licenses and dealer plates shall be mailed to the business address only. The established place of business may not house a secondary business unless that business is closely related to the sale of motor vehicles and this secondary business does not provide in excess of fifty percent (50%) of the dealer's gross income. Multiple business locations such as strip office malls, garages, or residential properties shall be accepted if:

(i) a separate entrance is maintained;

(ii) a separate address is maintained, and the business location is not a part of or attached to a residential dwelling;

(iii) local zoning requirements are met;

(iv) a distinct impression of separate businesses is given to the general public; and

(v) all other location and office requirements are met.

(C) The dealer's established place of business shall:

(i) be accessible to the public;

(ii) have at least a space of one thousand three hundred (1,300) square feet and be able to accommodate the display of a minimum of ten (10) vehicles of the kind and type which the dealer is licensed to sell and space for customer parking;

(iii) meet all local zoning requirements;

(iv) be well lit during hours of operation; and

(v) have display and customer parking areas adequately surfaced with asphalt, concrete, rock, or substance which will not change with weather conditions.

(D) The dealer's office shall be:

(i) housed at the dealer's established place of business;

(ii) at least one hundred (100) square feet in size;

(iii) equipped with office furniture such as a desk, chairs, and filing cabinets; and

(iv) served with utilities such as electricity, lighting, heat, and a business telephone.

(E) The dealer must provide garage liability insurance for the established place of business under IC 9-23-2-10.

(F) The dealer must provide photographs of the established place of business with the initial application for dealer license. These photographs must include, but are not limited to, the major:

(i) sales and storage lot;

- (ii) exterior advertising sign; and
- (iii) display and office building.

The photographs must not be less than three (3) inches by five (5) inches in size. The photographs will be required to be updated if the dealership is moved or if its physical facilities are substantially altered or modified.

(G) The dealer must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(H) The dealer must provide, with the initial licensing application, evidence of a franchise or contract agreement, if applicable, showing a sales arrangement with a manufacturer, converter manufacturer, or distributor.

(I) The dealer must maintain, at the established place of business, a conspicuous, permanent sign identifying the dealer by the name in which the dealer is licensed and the dealership's hours of operation.

(J) The dealer's established place of business must be accessible to the public for a minimum of thirty (30) hours each week during normal business hours. For the purpose of this rule, "accessible" means the place of business must be:

- (i) manned at least thirty (30) hours each week;
- (ii) manned at least twenty (20) hours each week and a telephone answering, paging, or mobile service offered during the remaining ten (10) hours each week, the number for which is identified on the business sign; or
- (iii) opened by appointment at least thirty (30) hours each week by maintaining a manned telephone or mobile telephone service for a minimum of ten (10) hours each week and a telephone answering, paging, or mobile service offered during remaining twenty (20) hours each week, the number for which is identified on the business sign.

*(Bureau of Motor Vehicles; 140 IAC 3.5-2-4; filed Jan 5, 1994, 5:00 p.m.: 17 IR 973; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 912)*

#### **140 IAC 3.5-2-5 Issuance of off-site sales licenses; general conditions and minimum requirements**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-23; IC 24-4-6

Sec. 5. (a) An off-site license may be issued to a licensed dealer, manufacturer, automobile auctioneer, or transfer dealer for the purpose of conducting a vehicle event at a location other than the applicant's established place of business.

(b) The temporary location must:

- (1) be in a well defined location such as a building, tent, or open parking area which is separate and distinct from other business locations;
- (2) set up to include an appropriate area for the closing of a sale if a sale is closed at the off-site location; and
- (3) meet all local ordinances and zoning requirements.

(c) The application must:

- (1) be received at least sixty (60) days prior to the event;
- (2) contain the exact address of the proposed event location along with a brief description of the location;
- (3) include the applicant's established place of business;
- (4) contain the applicant's dealer license number;
- (5) contain the applicant's retail merchant's certificate number;
- (6) include name, address, and telephone number of:

- (A) the owner if sole proprietorship;
- (B) the partners if partnership; or
- (C) the officers if corporation; and

(7) contain the dates of the proposed event.

(d) The commissioner may approve the application and issue a license or deny the application within forty-five (45) days of the receipt of the application.

(e) Vehicle sales may not be conducted on Sunday under this rule pursuant to IC 24-4-6.

(f) Motor vehicle industry sponsored trade shows are exempted from the provisions of this rule, but the sponsor must notify the commissioner, in writing, of the scheduling of a show and its participants at least thirty (30) days prior to a show. *(Bureau of Motor Vehicles; 140 IAC 3.5-2-5; filed Jan 5, 1994, 5:00 p.m.: 17 IR 974; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229)*

**140 IAC 3.5-2-6 Dealer plates; restrictions on use**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26-10; IC 9-23

Sec. 6. In addition to the restrictions established by IC 9-23, dealer plates issued to dealer-new, dealer-used, motorcycle dealer-new, and motorcycle dealer-used are subject to the following restrictions:

- (1) Dealer plates under this section shall only be affixed upon vehicles in the dealer's inventory being held for sale in the usual and customary conduct of the dealer's business of buying and selling vehicles.
- (2) Use of the plates shall be for the direct and incidental use in the usual and customary conduct and operation of the business of the dealer.
- (3) Dealer plates under this section shall not be used on vehicles required to be registered or on vehicles for which dealers charge and receive compensation from individuals other than their employees. Vehicles required to be registered include:
  - (A) tow trucks;
  - (B) delivery trucks;
  - (C) rental or lease vehicles; or
  - (D) parts and service vehicles.

A vehicle used to pick up or deliver parts or supplies is a service or parts vehicle.

- (4) Dealer plates may not be used on vehicles leased or rented to or by the dealer.
- (5) Dealer plates may be used for up to ten (10) days within the state of Indiana on vehicles which are hauling a load provided the movement is for demonstration purposes to effect a sale of the demonstrated vehicle if the dealer has notified and been granted approval by the state police department.
- (6) Dealer plates under this section may be used by a prospective buyer or service customer on a vehicle in the dealer's inventory unattended by any agent or representative of the dealer for a period not to exceed ten (10) days.
- (7) Following the sale and delivery of a vehicle from the dealer's inventory, the metal dealer plate shall not be used on that vehicle. An interim registration plate may be issued to the purchaser by the dealer under IC 9-18-26-10 for a period expiring thirty-one (31) days from the date of delivery or until regular registration plates have been obtained, whichever event occurs first.
- (8) The dealer, and the dealer's designees, may use the dealer registration plates issued to the dealership for personal use on vehicles in the dealer's inventory. Under this subdivision, an employee must be in a bona fide employment arrangement.
- (9) Dealer plates may not be used to circumvent the registration of individual motor vehicles as required by law or the payment of sales tax or motor vehicle excise taxes on those vehicles.
- (10) For a dealer to loan, lease, or sell any dealer plate issued to the dealership to anyone not authorized to use that dealer's plates or to any party who has or could obtain any classification of dealer plates as a result of the nature of that party's business, is a violation of this article.
- (11) A vehicle bearing a dealer plate, except when the vehicle is being transported to the dealer's place of business from a manufacturer, must have:
  - (A) in the case of a new vehicle, a monroney sticker attached to the vehicle; or
  - (B) in the case of a used vehicle, a Federal Trade Commission buyer's guide sticker attached to the vehicle.
- (12) Motorcycle dealer plates may not be used on any other type of motor vehicle other than a motorcycle even if that vehicle is held in the inventory of the dealer.
- (13) Any motorcycle dealer who maintains for sale an inventory of vehicles other than motorcycles may apply for dealer-used plates for use in conjunction with the sale of those vehicles.

*(Bureau of Motor Vehicles; 140 IAC 3.5-2-6; filed Jan 5, 1994, 5:00 p.m.: 17 IR 974; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229)*

**140 IAC 3.5-2-7 Manufacturer license requirements**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-18-27; IC 9-23-2-10

Sec. 7. (a) Manufacturers, converter manufacturers, factory branches, factory representatives, distributors, distributor

branches, or distributor representatives must have a license issued by the commissioner under IC 9-23 in order to receive manufacturer plates.

(b) Manufacturers, converter manufacturers, factory branches, factory representatives, distributors, distributor branches, or distributor representatives, though conducting business within Indiana, are not required to have an established place of business.

(c) Application for manufacturer license and manufacturer plates may be made after December 15 or two (2) months prior to the expiration month of each year for the following license year.

(d) An applicant who applied for a license after December 15 but before March 1 of the license year shall be eligible to be licensed for the following license year.

(e) In addition to the requirements outlined in IC 9-23, a manufacturer must meet the following minimum requirements:

(1) The applicant must provide a federal identification number and a retail merchant's certificate number.

(2) The applicant must provide, if the applicant has an established place of business, garage liability insurance as prescribed in IC 9-23-2-10. The applicant must provide, if the applicant does not have an established place of business, business liability insurance in an amount approved by the commissioner.

(3) The applicant must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(4) Unless conflicting with the provisions of this section, all rules governing dealers apply to manufacturers.

*(Bureau of Motor Vehicles; 140 IAC 3.5-2-7; filed Jan 5, 1994, 5:00 p.m.: 17 IR 975; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229)*

#### **140 IAC 3.5-2-8 Manufacturer plates; restrictions on use**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-18-27; IC 9-23; IC 9-25-4-5

Sec. 8. In addition to the restrictions established by IC 9-18-26, manufacturer plates are subject to the following restrictions:

(1) If the manufacturer, converter manufacturer, factory representative, factory branch, distributor, distributor representative, or distributor branch desires to obtain manufacturer plates and does not have an established place of business, then the applicant must show that the vehicles to be plated and utilized on the public highways have insurance coverage in the same amount as required under IC 9-25-4-5.

(2) Manufacturer plates under this section shall only be affixed upon vehicles in the manufacturer's inventory being held for sale in the usual and customary conduct of the manufacturer's business.

(3) Manufacturer plates shall be for the direct and incidental use in the usual and customary conduct and operation of the business of the manufacturer.

(4) Use in the usual and customary conduct and operation of the business shall be determined by the practice of all manufacturers in accordance with this article.

(5) Manufacturer plates under this section shall not be used on vehicles required to be registered or upon any vehicle for which the manufacturer received compensation from individuals other than the manufacturer's employees.

(6) The manufacturer, and the manufacturer's designees, may use the manufacturer plates issued to the manufacturer for personal use on vehicles in the manufacturer's inventory. A designee, for purposes of this subdivision, must be in a bona fide employment arrangement.

(7) Manufacturer plates may not be used to circumvent the registration of individual motor vehicles as required by law or the payment of sales tax or automobile excise taxes on those vehicles.

(8) For a manufacturer to loan, lease, or sell a manufacturer plate issued to the manufacturer to anyone not authorized to use that manufacturer's plates or to a party who has or could obtain any classification of dealer plates as a result of the nature of that party's business, is a violation of this rule.

*(Bureau of Motor Vehicles; 140 IAC 3.5-2-8; filed Jan 5, 1994, 5:00 p.m.: 17 IR 975; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229)*

#### **140 IAC 3.5-2-9 Transfer dealer license requirements**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18; IC 9-23-2-10

Sec. 9. (a) Transfer dealers must be properly licensed by the commissioner in order to receive transfer dealer plates.

(b) An application for a new transfer dealer license and transfer dealer plates may be submitted any time prior to December 15 for the current license year. A transfer dealer license renewal application may be submitted thirty (30) days prior to the license expiration date.

(c) An applicant who applies for a license under this section after December 15 shall be eligible to be licensed for the following year.

(d) A transfer dealer shall do the following:

(1) Furnish a federal identification number and a retail merchant's certificate number.

(2) Have a place of business which is devoted to the conduct of a business related to the sale of motor vehicles. The place of business must be a permanent, enclosed building or structure. The place of business shall not include a residence, tent, temporary stand, or permanent quarters temporarily occupied. Parking or storage of a minimum of ten (10) motor vehicles must be provided.

(3) Furnish photographs of the place of business with the initial application for a transfer dealer license. These photographs must include, but are not limited to, the major sales, storage, and office space utilized by the transfer dealer. The photographs must be not less than three (3) inches by five (5) inches in size. The photographs must be updated if the dealership is moved or if its physical facilities are substantially altered or modified.

(4) The transfer dealer must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(5) Furnish proof of coverage by garage liability insurance under IC 9-23-2-10 if the dealer has an established place of business. The transfer dealer must be covered by business liability insurance if the dealer has a place of business.

(6) Provide a statement delineating the type and extent of the dealer's business.

(e) Unless conflicting with the provisions of this section, all rules that the commissioner finds applicable governing dealers shall apply to transfer dealers. (*Bureau of Motor Vehicles; 140 IAC 3.5-2-9; filed Jan 5, 1994, 5:00 p.m.: 17 IR 976; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 913*)

#### **140 IAC 3.5-2-10      Transfer dealer plates; restrictions on use**

Authority: IC 9-14-2-2

Affected: IC 9-18-26; IC 9-23

Sec. 10. (a) Transfer dealer plates may be placed on vehicles owned by the transfer dealer for a period not to exceed ten (10) days for:

(1) the purpose of acquisition of vehicles;

(2) the purpose of previously sold vehicles; or

(3) delivery of vehicles following sale.

(b) A transfer dealer plate may be placed on any vehicle owned by the transfer dealer for demonstration of the vehicle to a potential customer for a period not to exceed ten (10) days.

(c) Transfer dealer plates may be placed on vehicles not owned by the transfer dealer but in the dealer's rightful possession for a period not to exceed ten (10) days for the purpose of performing mechanical, body, or maintenance work on the vehicles.

(d) A transfer dealer plate may not be placed on any vehicle, even a vehicle in the inventory of the dealer, for the personal use of a transfer dealer or the transfer dealer's employees. (*Bureau of Motor Vehicles; 140 IAC 3.5-2-10; filed Jan 5, 1994, 5:00 p.m.: 17 IR 976; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

#### **140 IAC 3.5-2-11      Wholesale dealer, auctioneer, and broker licenses**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23

Sec. 11. (a) Wholesale dealers, automobile auctioneers, and brokers must be properly licensed by the commissioner in order to receive dealer plates.

(b) An application for a new wholesale dealer license and dealer plates may be submitted any time prior to December 15 for the current license year. A wholesale dealer, automobile auctioneer, or broker license renewal application may be submitted thirty

(30) days prior to the license expiration date.

(c) Any applicant who applies for a license after December 15 is eligible to be licensed for the following year.

(d) The following are minimum requirements for licensing wholesale dealers, automobile auctioneers, and brokers:

(1) An applicant must furnish a federal identification number and a retail merchant's certificate number.

(2) An applicant must be covered by business liability insurance in an amount determined by the commissioner.

(3) An applicant must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(4) Each applicant must submit to an investigation by the bureau of motor vehicles within one hundred twenty (120) days following the issuance of the wholesale dealer license. Business records must be presented to verify the number of monthly sales. Each applicant will be contacted at the address given on the license application. If the applicant is not available when the investigator calls, it will be the responsibility of the dealer to contact the bureau of motor vehicles to arrange for a subsequent visit. Dealer plates will not be renewed under this section until an investigation has been conducted.

(5) The wholesale dealer must provide a permanent Indiana address at which the dealer may be contacted by the bureau of motor vehicles.

(6) A wholesale dealer must sell a minimum of one hundred twenty (120) vehicles per year.

(7) Unless conflicting with the provisions of this section, all rules that the commissioner finds applicable governing dealers shall apply to wholesale dealers, automobile auctioneers, and brokers.

(8) A wholesale dealer, except a dealer licensed as an automobile auctioneer, may not sell vehicles to the general public.

*(Bureau of Motor Vehicles; 140 IAC 3.5-2-11; filed Jan 5, 1994, 5:00 p.m.: 17 IR 976; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 914)*

#### **140 IAC 3.5-2-12      Number of dealer, manufacturer, or interim plates**

Authority: IC 9-14-2-2

Affected: IC 9-18-26; IC 9-23; IC 9-29

Sec. 12. (a) The maximum number of dealer plates issued under this section is determined under STEP THREE of the following formula:

STEP ONE: Determine the total number of vehicles (both retail and wholesale) sold, or projected sold, by the applicant in a license year.

STEP TWO: Determine the number of licensed months the applicant was in business during the license year.

STEP THREE: Divide the number in STEP ONE by the number in STEP TWO.

For example, a total annual sales of one hundred twenty (120) divided by twelve (12) months equals ten (10) plates.

(b) The maximum number of manufacturer plates issued under this section is determined under STEP THREE of the following formula:

STEP ONE: Determine the total number of vehicles evaluated or tested under any type of evaluation or testing program or under the control of the manufacturer for which property taxes were assessed.

STEP TWO: Determine the number of licensed months the manufacturer was in business during the license year.

STEP THREE: Divide the number in STEP ONE by the number in STEP TWO.

For example, a total evaluated or tested vehicles per year of one thousand two hundred (1,200) divided by twelve (12) equals one hundred (100) plates.

(c) A manufacturer applying for manufacturer plates under subsection (b) must file a report with the bureau of motor vehicles each year stating the ratio of vehicles tested per vehicles manufactured as a condition of approval of the application. The report of the ratio must include the following:

(1) The total number of vehicles manufactured per year.

(2) The total number of vehicles evaluated or tested per year.

(3) The number of vehicles for which property taxes were assessed.

(4) A detailed listing of how the plates are to be distributed to any of its licensed factory branches or divisions.

A report of product evaluation program identifying all product evaluation vehicles, designees, and manufacturer plate assignments must be filed by the manufacturer or its subsidiary division on a quarterly basis. Manufacturer plates issued under subsection (b) shall be distributed to its subsidiary divisions or factory branches as indicated on the report of ratio.

- (d) The commissioner may limit the number of plates issued to any licensed location or licensee.
- (e) The commissioner may determine the number of interim plates issued based upon:
  - (1) the number of vehicles sold; or
  - (2) the dealer's or manufacturer's projected sales.

*(Bureau of Motor Vehicles; 140 IAC 3.5-2-12; filed Jan 5, 1994, 5:00 p.m.: 17 IR 977; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229)*

**140 IAC 3.5-2-13      Number of vehicles sold by dealer or transfer dealer**

Authority: IC 9-14-2-2

Affected: IC 9-18-26; IC 9-23

Sec. 13. (a) Dealers and transfer dealers, with the exception of wholesale dealers, financial institutions, and insurance companies, must sell a minimum of twelve (12) vehicles within a twelve (12) month period. For the purpose of determining the number of units sold or anticipated to be sold by a dealer, the licensing year shall be used.

(b) A wholesale dealer is subject to the requirement of selling one hundred twenty (120) vehicles within a twelve (12) month period. For the purpose of determining the number of units sold or anticipated to be sold by a wholesale dealer, the licensing year shall be used. *(Bureau of Motor Vehicles; 140 IAC 3.5-2-13; filed Jan 5, 1994, 5:00 p.m.: 17 IR 977; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 914)*

**140 IAC 3.5-2-14      Consignment sales**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-15; IC 9-13-2-105; IC 9-18-26-10; IC 9-23-2

Sec. 14. (a) As used in this section, "consignment sales lot" means a business which conducts twelve (12) or more (retail or wholesale) consignment sales per year for which ownership is never transferred to a broker as defined in IC 9-13-2-15.

(b) A consignor who consigns a vehicle to a consignee to be offered for sale and sold by the consignee on behalf of the consignor to a third party purchaser must provide the consignee with either the title to the vehicle along with a power of attorney designating the consignee as the agent of the consignor or a duly executed consignment agreement between the consignor and the consignee. The consignor must be identified to the buyer by the consignee.

(c) A consignment agreement for consignment sales must contain, but is not limited to, the following information:

- (1) The name and current address of the vehicle's titled owner and person having possession of the title.
- (2) The name and current address of any party holding a lien on the vehicle.
- (3) The name and current address of the party to which the vehicle was consigned for sale.
- (4) A description of the vehicle, including the vehicle's make, model, color, and manufacturer's vehicle identification number.
- (5) A statement showing that the consignor has appointed the consignee as an agent for the purpose of offering the vehicle for sale.
- (6) Any sales conditions that must be met by the consignee.

(d) Consignment arrangements do not apply to a licensed dealer's inventory. Consignment agreements must be completed for each vehicle offered for sale on the consignment sales lot regardless of whether or not the consignor has provided a title. Copies of the consignment agreement must be maintained continuously for a period of three (3) years.

(e) The vehicle should be plated by the consignor and insured by the consignor for the purpose of demonstration of the vehicle. The consignee is not eligible for interim plates under section 15 of this rule.

(f) The consignment sales lot must meet the requirements of a dealer's location, office, and zoning provisions. *(Bureau of Motor Vehicles; 140 IAC 3.5-2-14; filed Jan 5, 1994, 5:00 p.m.: 17 IR 978; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229)*

**140 IAC 3.5-2-15      Interim plates; restrictions on use**

Authority: IC 9-14-2-2

Affected: IC 9-18-26-10; IC 9-23

Sec. 15. (a) Requirements for the use of interim plates shall be as follows:

- (1) Under IC 9-18-26-10, interim plates may be utilized only by the operator of a motor vehicle for a period not to exceed thirty-one (31) days after the date of delivery or until regular registration plates are obtained, whichever occurs first.
- (2) Only one (1) interim plate may be issued by a dealer to the purchaser of a motor vehicle. No additional interim plates may be issued for the motor vehicle for any reason.
- (3) Interim plates may not be utilized on a vehicle owned or in inventory of a licensed dealer.
- (4) Interim plates may not be utilized on vehicles sold on consignment by a dealer.
- (5) Interim plates assigned by the bureau of motor vehicles to any dealer may be given or sold to another registered dealer in good standing with the bureau of motor vehicles so long as the transfer, by interim plate control number, is recorded in each dealer's interim plate log.
- (6) A registered dealer obtaining interim plates from another dealer must record those plates in the dealer's interim plate log by interim plate control number and name of transferring dealer.
- (7) The dealer must provide an ownership document to the purchaser at the time of issuance of the interim plate.
- (8) Interim plates may not be utilized on vehicles sold to dealers at automobile auctions unless the dealer is an out-of-state dealer without metal dealer plates from the dealer's state or is an Indiana license only dealer without metal dealer plates.
- (b) Requirements for the interim plate log shall be as follows:
  - (1) All dealers utilizing interim plates must maintain a log recording the issuance of each plate.
  - (2) The interim plate log shall include, but is not limited to, the following:
    - (A) An interim plate control number by control number sequence.
    - (B) The name and address of the party to whom the interim plate was issued.
    - (C) The make, model, and year of the vehicle to which the plate is to be affixed.
    - (D) The manufacturer's vehicle identification number.
    - (E) The date of issuance of the interim plate.
  - (3) All interim plates not issued by the dealer must be retained in the dealer's possession at all times.
  - (4) The interim plate log shall be maintained continuously for a period of three (3) years.
- (c) Penalties shall be as follows:
  - (1) Any misuse of an interim plate may result in the limiting of the dealer's interim plate usage or suspension of the dealer's license.
  - (2) The dealer is subject to all criminal penalties provided by statute.

*(Bureau of Motor Vehicles; 140 IAC 3.5-2-15; filed Jan 5, 1994, 5:00 p.m.: 17 IR 978; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 914)*

**140 IAC 3.5-2-16 Denial, suspension, or revocation of dealer license and plate; hearing**

Authority: IC 9-14-2-2

Affected: IC 4-21.5; IC 9-18-26-2; IC 9-23-2-14; IC 9-23-6

Sec. 16. (a) Application for a dealer license and dealer plates shall be as follows:

- (1) A person may file an application for a dealer license and dealer plates with the commissioner.
- (2) The commissioner shall investigate the information submitted with the application. Based upon the investigation, the commissioner shall approve or deny the application.
- (3) If the application is approved, the commissioner shall assign the applicant to the proper classification of dealer plates and issue the plates under this rule and IC 9-18-26-2.
- (4) If the application is denied or if the applicant does not agree with the commissioner's classification, the request for redetermination procedure shall be as follows:
  - (A) Within fifteen (15) days of the commissioner's determination of a party's application for dealer plates, that party, if aggrieved, may make written request to the bureau of motor vehicles for a redetermination specifically stating the grounds for which the redetermination is requested.
  - (B) As a result of the written request for redetermination, the commissioner shall afford the applicant the opportunity to present evidence at a hearing. The hearing will be conducted in accordance with IC 4-21.5. Any further review of the determination by the bureau of motor vehicles shall be afforded under IC 9-23-2-14(b).
- (b) A dealer license or dealer plates, or both, may be suspended or revoked if the bureau of motor vehicles determines that

the dealer has willfully violated federal or state law, including this rule, relating to the sale, distribution, financing, or insuring of motor vehicles. The bureau of motor vehicles may place the dealer on probation. The dealer is also subject to all other penalties under IC 9-23-6.

(c) The bureau of motor vehicles shall notify the dealer of specific charges and schedule a hearing under IC 4-21.5 before the bureau of motor vehicles suspends or revokes a dealer license or dealer plates or places the dealer on probation.

(d) Any further review of the determination by the bureau of motor vehicles shall be afforded under IC 9-23-2-14(b). (*Bureau of Motor Vehicles; 140 IAC 3.5-2-16; filed Jan 5, 1994, 5:00 p.m.: 17 IR 979; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

#### **140 IAC 3.5-2-17      Operation without license; cease and desist order**

Authority: IC 9-14-2-2

Affected: IC 9-23

Sec. 17. A business engaged in the business activities as identified in IC 9-23 must be properly licensed to carry out the business activities and functions. Failure to obtain a license or having a license suspended or revoked by the bureau of motor vehicles shall be cause for an order to cease and desist all business activities to be issued by the bureau of motor vehicles. The bureau of motor vehicles shall notify the state police department of an order issued to cease and desist business activities. (*Bureau of Motor Vehicles; 140 IAC 3.5-2-17; filed Jan 5, 1994, 5:00 p.m.: 17 IR 979; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

#### **140 IAC 3.5-2-18      Dealer licensing fees; procedures for handling**

Authority: IC 9-14-2-2

Affected: IC 9-23; IC 9-29

Sec. 18. (a) The bureau of motor vehicles shall charge a fee of twenty dollars (\$20), or five percent (5%) of the face amount of the check, whichever is greater, but not to exceed two hundred fifty dollars (\$250) as a handling charge for returned checks.

(b) If additional dealer plates are not approved after investigation, there will be no refund for issued temporary dealer permits. (*Bureau of Motor Vehicles; 140 IAC 3.5-2-18; filed Jan 5, 1994, 5:00 p.m.: 17 IR 979; readopted filed Jul 30, 2001, 10:26 a.m.: 24 IR 4229*)

### **ARTICLE 4.      DRIVER EXAMINER DIVISION**

#### **Rule 1.      Commercial Driver Training Schools and Instructors**

##### **140 IAC 4-1-1      Definitions**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-105; IC 9-24; IC 9-27-4

Sec. 1. Licensing of Commercial Driver Training Schools and Instructors. (A) Definitions used in these rules and regulations shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

(1) "Commercial Driver Training School" or "School" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for any examination or validation given by the Bureau of Motor Vehicles for a drivers license, and charging a consideration or tuition for such services.

(2) "Instructor" means a person, whether acting for himself as operator of a commercial driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for a drivers license, and any person who supervises the work of any other such instructor.

(3) "Commissioner" means the Commissioner of the Bureau of Motor Vehicles.

(4) "License" shall mean the authorization to operate a commercial driver training school or to act as a commercial driver training instructor and any and all documents given with the privilege.

(5) "Agent" shall mean any person, whether employed by a commercial driver training school or operating in his behalf, or

whether acting in behalf of any school located within or outside of the State of Indiana who shall personally solicit any individual within this State to enroll in a commercial driver training school.

(6) "Solicitor" shall mean any individual, firm, or corporation who sells, offers for sale, or attempts to sell any product or service.

(7) "Suspension" shall mean the licensee privilege to operate a commercial driver training school or to give commercial driver training instruction is temporarily withdrawn.

(8) "Revocation" shall mean the licensee privilege to operate a commercial driver training school or to give commercial driver training instruction is terminated.

(9) "Motor Vehicle" has the meaning set forth in IC 9-13-2-105.

(10) "Person" shall mean any individual, combination of individuals, firm, partnership, association or corporation.

*(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule I; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 267; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

#### **140 IAC 4-1-2 Application for school license**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 2. Requirements for Commercial Driver Training School License. (1) No person, on or after July 1, 1968, shall operate, conduct, maintain, or establish a commercial driver training school in the State of Indiana unless he holds a valid, current license issued by the Commissioner of the Indiana Bureau of Motor Vehicles.

(2) Before any license is issued an application shall be made in writing to the Commissioner on forms prepared and furnished by the Commissioner.

(3) The application shall contain, along with any additional information that the Commissioner deems necessary:

(a) The title or name and address of the school, together with the names and addresses of all owners or partners of an unincorporated school, or the names and addresses of all officers of an incorporated school.

(b) A list and description of the equipment to be used in the school operation.

(c) The specified course of instruction which will be offered.

(d) The qualifications of instructors, agents, and supervisors in each specified field together with their names, addresses and other information as deemed necessary by the Commissioner.

(e) A detailed statement showing the financial condition of the school.

(f) A schedule of all tuitions, fees and charges to be made by the school.

(g) A sworn statement that the owner(s), officers and instructors are of high moral character and reputation and have not been adjudicated a felon the ten years immediately preceding the date of the application.

(4) The following additional information shall accompany the application along with any further information that the Commissioner shall deem necessary:

(a) Applicants or any officer or partner thereof shall be required to furnish with the application three (3) photographs taken within thirty (30) days to date of filing and must be presented with the application. The photographs shall consist of one full-face, one left profile and one right profile. All photographs must be 1-1/2 inch square and must show the shoulders and an uncovered head.

(b) One set of fingerprints of each digit on the right and left hands accompanied by an affidavit from an Indiana state, county, city, or town enforcement officer, who is qualified to take fingerprints, that the photographs and fingerprints are those of the applicant.

(c) A sworn statement that each instructor employed by the school is in possession of a valid, current instructor's license issued by the Commissioner.

(d) Samples of any and all contracts to be used by the school.

(e) Samples of any and all written examinations to be given to the students.

(f) Samples of all forms used by the school which will be furnished or delivered to the students.

(g) If a commercial driver training school has agents or solicitors employed, a copy of the financial agreement between the school and the agents or solicitors.

(5) Every application for a commercial driver training school license must be accompanied by an application fee of one

hundred (\$100.00) dollars in the form of a certified check or United States postal money order. No license fee shall be refunded in the event that the license is rejected, suspended or revoked. There shall be no reduction in fee in the event of application after the beginning of the fiscal year. Licenses expire at midnight, June 30 of each fiscal year. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule II; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 268; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230*)

**140 IAC 4-1-3 License term; transfer; display; replacement; changes; renewal**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 3. The Commercial Driver Training School License. (1) Each commercial driver training school license shall be valid for a period of one fiscal year beginning July 1 and ending June 30.

(2) The commercial driver training school license shall not be transferable. In the event of change of ownership, application for a new license must be made, and the old license surrendered to the Commissioner before a new license will be issued to the new owner. The fee for the new license shall be one hundred (\$100.00) dollars and shall accompany the application.

(3) The commercial driver training license certificate shall be conspicuously displayed in the licensee's principal place of business at all times.

(4) In the event the commercial driver training school license is lost, destroyed, or mutilated, a duplicate will be issued upon proof of the facts, and in case of mutilation, upon surrender of such license. Such proof shall consist of an affidavit indicating:

- (a) Date the license was lost, destroyed, or mutilated
- (b) The circumstances surrounding the loss, destruction, or mutilation
- (c) In the event of loss or theft the name of the police department or police authority to which the report was made and date of said report.

The fee for a duplicate commercial driver training school license shall be five (\$5.00) dollars. The fee shall be in the form of a certified check or United States postal money order and must be remitted before the duplicate will be issued.

(5) In the event of any change in address or a change of officers, etc., the following will be required:

- (a) The Commissioner shall be notified in writing immediately upon the change of address of the owner, partner, officer, or driving instructor.
- (b) The Commissioner shall be notified in writing within ten (10) days of any change in the officers or directors of a corporation. Officers and directors must supply the same information as would be required on an application by the corporation.
- (c) Failure to inform the Commissioner shall be grounds for suspension or revocation of the commercial driver training school license.

(6) Application or renewal of license:

(a) Application or renewal of license shall be made on forms prescribed and provided by the Commissioner. A renewal fee of one hundred (\$100.00) dollars in the form of a certified check or United States postal money order must accompany the renewal application.

(b) Where an application is made for the renewal of a commercial driver training school license, the applicant may continue to conduct business as a commercial driver training school until the renewal application is granted or denied by the Commissioner; Provided, The renewal application is properly filed with the Commissioner on or before June 15 of the current license year.

(7) To change the name of a commercial driver training school before expiration date, the owners must make application to the Commissioner for a name change accompanied by a certified check or United States postal money order in the amount of ten (\$10.00) dollars. The change of name shall be contingent upon approval of the Commissioner. In the event of refusal the ten (\$10.00) dollar fee shall be refunded.

(8) A name change upon expiration date of the license can be effected in the renewal application by inserting the new name in the license application and attaching thereto an application for name change. There shall be no additional charge for a name change if requested as stated. The change of name shall be contingent upon approval of the Commissioner.

(9) If in a partnership, a partner withdraws, the Commissioner shall be notified within five (5) calendar days by certified mail. Should a new partner be added the school shall make application for a new license as provided for in these rules and regulations.

*(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule III; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 269; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

**140 IAC 4-1-4 Location of school**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 4. (a) A commercial driver training school that is properly licensed shall be allowed to conduct classroom training only in the county where the school is located. The commercial driver training school must conduct all classes and operate out of the address appearing on the application.

(b) In no instance shall a commercial driver training school operate in any manner from a residential dwelling. *(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 270; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915)*

**140 IAC 4-1-5 Office operations; classrooms; advertising**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 5. All commercial driver training schools shall operate from an office in the following manner:

(1) The commercial driver training school license shall be placed in a conspicuous location within the office.

(2) All records pertaining to the operation of the school shall be maintained in the main office of the school and available for inspection in the presence of the owner or, after giving notice thereof, by the commissioner or his authorized agent between the hours of 9 a.m. and 5 p.m. local time, Monday through Friday, excluding legal holidays. Refusal of the owner or an employee to grant an inspection of the records shall be grounds for suspension or revocation.

(3) The telephone located in the school shall be used exclusively for the operation of the commercial driver training school.

(4) Sufficient indoor space to teach students the theoretical instruction relating to the rules and regulations of the road and safe driving practices shall be included within the office. The classroom shall be enclosed to eliminate any and all extraneous interference from the public. The classroom shall contain chairs and desks or tables in sufficient number to accommodate students, have adequate lighting, and be of sufficient size to comfortably accommodate the students but in no event shall the classroom contain less than two hundred and twenty-five (225) square feet of usable area. Approval of any license application shall be contingent upon approval of the classroom and office space by the commissioner or his authorized agent.

(5) One (1) employee of the school must be available from 9 a.m. to 5 p.m., Monday through Friday, to give information regarding lessons or produce the school's records in the event the commissioner or his authorized agent wishes to inspect the school. Refusal to grant an inspection will be grounds for suspension or revocation.

(6) The office shall not be operated in conjunction with any other business.

(7) The owner or operator will be permitted to list his or her home phone number in his or her advertisements provided it specifically states that the number may be called after 6 p.m.

(8) The owner or operator will be permitted to list his or her home address and phone number on his or her business cards.

(9) All commercial driver training schools wishing to provide information electronically or use a telephone answering service in connection with their business shall do so in the following manner: The electronic information service or use of the telephone answering service shall be secondary in the operation of the school. The telephone answering service shall only be used when there is no one in the school's business office to answer the telephone.

*(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule V; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 271; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915)*

**140 IAC 4-1-6 Name of school**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 6. Commercial Driver Training School Name. No commercial driver training school shall use, adopt, or conduct any

business under a name that is the same, like or deceptively similar to the name used by another driving school without the written approval of the Commissioner. A commercial driver training school shall at no time use the words "State," "Government," "Municipal," "City," or "County" in any part of the school name. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230*)

**140 IAC 4-1-7 Ownership of more than one school**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 7. Additional Commercial Driver Training Schools. (1) The owner of a commercial driver training school desiring to operate an additional school or schools shall make application on forms prescribed and furnished by the Commissioner. Upon approval of the application, the Commissioner shall issue a license, appropriately endorsed, for use at the school.

(2) It shall be permissible, upon approval by the Commissioner, for schools to bear the same name so long as the ownership is identical for all schools concerned.

(3) Any and all additional schools shall meet the same requirements and follow the same procedure as the licensed original as provided for in these rules and regulations. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230*)

**140 IAC 4-1-8 Records**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 8. Commercial Driver Training School Records. Every commercial driver training school shall maintain the following records which shall be retained for three (3) years:

(a) A file setting forth the name, address, contract number and terms of payment with respect to every person giving lessons, lectures, tutoring, instructions of any kind, or any other service relating to instructions in the operation of a motor vehicle.

(b) A file setting forth the names and addresses of all students along with the amount and type of training completed.

(c) A record of all receipts and disbursements.

(d) A file containing a duplicate copy of every contract entered between the school and every person taking lessons, lectures, tutoring and instructions relating to the operation of a motor vehicle. The original contract shall be given to the student taking instruction and a carbon duplicate thereof retained by the school.

(*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VIII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230*)

**140 IAC 4-1-9 Contracts with students**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 9. Commercial Driver Training School Contracts. All contracts with students shall be written and conform to the following standards:

(a) Each contract shall contain the agreed contract price per hour, lesson, or course.

(b) Each contract shall enumerate all related charges to be made to the student.

(c) Each contract shall include the following clause: "An owner, officer, instructor, agent, or employee of any commercial driver training school shall not state nor give the impression to a student that upon completion of the course, they will guarantee the securing of a driver's license to operate a motor vehicle."

(d) The term "no refund" shall not be present in the contract. Schools may substitute the following: "The school will not refund any fee, tuition, or charge or any part thereof should the school be ready, willing, and able to fulfill its part of the contract."

(*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IX; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969,*

*p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

**140 IAC 4-1-10 Insurance coverage**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-25; IC 9-27-4

Sec. 10. Commercial Driver Training School Insurance. No commercial driver training school license shall be issued unless and until:

(1) The applicant has filed with the Commissioner evidence of insurance in a company authorized to do business in the State of Indiana in the amount of at least one hundred thousand (\$100,000) dollars because of bodily injury to or death of any one (1) person, and subject to said limit respecting one (1) person, in the amount of at least three hundred thousand (\$300,000) dollars because of bodily injury to or death of two (2) or more persons in any one accident, and in the amount of at least twenty-five thousand (\$25,000) dollars because of injury to or destruction of property in any one (1) accident.

(2) The commercial driver training school shall furnish evidence of such insurance coverage in the form of a certificate from the insurance carrier, which shall stipulate that the Commissioner shall be notified when the policy expires or if it is cancelled, and shall include the make, model, and manufacturer's identification number of any and all automobiles covered in the policy.

(3) Commercial driver training schools covered by fleet policies can effect sufficient notice of additional vehicles covered by sending written verification from the insurance company to the Commissioner, using the make, model, and manufacturer's identification number, stating that the vehicle has been included in the coverage.

*(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule X; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

**140 IAC 4-1-11 Vehicle standards**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-25; IC 9-27-4

Sec. 11. (a) Every motor vehicle used for commercial driver training shall have a current Indiana registration plate and be a recent model with not more than five (5) years having elapsed from the date of purchase. As used in this subsection, "date of purchase" means the date of purchase listed upon the certificate of title that was received from the application using the manufacturer's certificate of origin. Every motor vehicle used for commercial driver training shall have the additional equipment as follows:

(1) One (1) operable extra foot brake.

(2) One (1) rearview mirror placed on the inside of the motor vehicle.

(3) Two (2) outside rearview mirrors, one (1) on each side of the vehicle.

(4) Cushions for the proper seating of students when necessary.

(b) Every training vehicle being operated by a student who has had less than four (4) hours of practical driving instruction must be conspicuously marked as a training vehicle.

(c) If, after four (4) hours of practical training, a student demonstrates suitable proficiency in operating a motor vehicle, the instructor may give instruction in a private vehicle if the student provides proof of insurance coverage:

(1) in at least the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of any one (1) person, and subject to said limit respecting one (1) person;

(2) in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and

(3) in the amount of ten thousand dollars (\$10,000) because of injury to or destruction of property in any one (1) accident.

(d) The school vehicle identification certificate issued by the commissioner shall be carried in the vehicle at all times while driving instructions are being given. *(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916)*

**140 IAC 4-1-12 Curriculum**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 12. Commercial Driver Training School Instruction. Commercial driver training schools licensed by the Commissioner of the Indiana Bureau of Motor Vehicles shall make available both theoretical and practical instruction.

(1) The theoretical course of instruction shall include, but not be limited to the following:

- (a) Subject matter relating to rules and regulations of operating a motor vehicle
- (b) Safe driving practices
- (c) Pedestrian safety
- (d) Driver responsibility
- (e) Accident reporting
- (f) Mental attitudes and physical characteristics of individuals as related to the operation of a motor vehicle
- (g) Maintenance of an automobile
- (h) Handling of driver emergencies
- (i) Driving skills
- (j) Basic first aid
- (k) Signs, signals, highway markings, and highway design features which require understanding for the safe operation of a motor vehicle

In preparing questions to be used for instructional or evaluative purposes, the school shall not use questions prepared in the same manner as examination questions used by the Indiana Bureau of Motor Vehicles.

(2) The practical course of instruction shall include the demonstration of and actual instruction in stopping, starting, shifting, turning, backing, parallel parking, and steering in a dual controlled vehicle which meets the standards prescribed by the Commissioner.

*(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 274; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

**140 IAC 4-1-13 Instructor's license; qualifications**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 13. (a) No person, on or after July 1, 1968, shall give commercial driver training instruction for compensation or act as a commercial driver training instructor unless he holds a valid, current commercial driver training instructor license issued by the commissioner of the Indiana bureau of motor vehicles and unless he is employed by a licensed driver training school. This section does not apply to any full-time teachers in an accredited high school, college, or university who has among his duties the teaching of driver's education except when employed as an instructor in a commercial driver training school as set forth in the Act and in these rules and regulations.

(b) Requirements for applications and applicants are as follows:

(1) All applications for an instructor's license must be accompanied by a certified check or United States postal money order in the amount of ten (\$10) dollars and a notarized statement from the owner of a commercial driver training school listing the applicant's name in full, the applicant's address, and a statement that the applicant will be employed by the school. This rule applies to original and renewal applications.

(2) All applicants shall be citizens of the United States of America.

(3) Every commercial driver training instructor shall be at least twenty-one (21) years of age and a person of high moral character.

(4) Every person shall hold a valid driver license before making application for a commercial driver training instructor license.

(5) Each application shall be accompanied by a statement from a physician certifying mental ability, visual acuity, and that the applicant does not have any contactual diseases, hearing ailments, epilepsy, or other malady causing loss of consciousness.

(6) The visual acuity of an instructor shall not be less than 20/40 in either eye with or without eye glasses or other means of visual correction.

- (7) An instructor giving practical training shall not be absent one functional eye, hand, foot, or leg.
- (8) All instructors must successfully complete a special written test, a vision test, and a road test, prepared and administered under the authorization of the commissioner, embracing subject matter pertinent to highway design, road signs, and the care, operation, and laws affecting the operation and traffic of motor vehicles. The contents of the written examination shall be taken from the following materials:
  - (A) The Indiana driver manual.
  - (B) Indiana motor vehicle laws.
  - (C) Indiana rules and regulations governing commercial driver training schools and instructors.
  - (D) Other sources dealing with driver education.
- (c) Requirements for the instructor license are as follows:
  - (1) The instructor license shall be valid for a period of one (1) fiscal year beginning July 1 and ending June 30. The license shall be valid only for the fiscal year for which it is issued, and there shall be no reduction in fee in the event of application after the beginning of the fiscal year. All licenses shall expire at midnight June 30 of each fiscal year.
  - (2) Where an application is made for the renewal of a commercial driver training instructor license, the applicant may continue to give instruction in the commercial driver training school until the renewal application is granted or denied by the commissioner, provided the renewal application is properly filed with the commissioner on or before June 15 of the current license year.
  - (3) The instructor wishing to renew his or her license shall submit himself or herself for a complete reexamination every other year.
  - (4) Examinations shall be given at such time and place as the commissioner shall determine.
  - (5) The commissioner, at his discretion, may order a complete or partial reexamination of any licensed instructor at any time.
  - (6) An instructor shall have in his or her possession an identification card issued by the commissioner and containing information prescribed by the commissioner while acting in behalf of the school he or she is licensed to represent.
  - (7) The instructor's license certificate shall be maintained in file by the commercial driver training school so long as the instructor shall remain in the employ of said school.
  - (8) More than one (1) chargeable accident during any consecutive three (3) year period can make an instructor's license subject to review by the commissioner or his authorized agent.
  - (9) Any violation resulting in suspension or revocation of driving privilege shall cause the revocation of the instructor's license.
  - (10) Every commercial driver training instructor who is not licensed to operate a motor vehicle by the Indiana bureau of motor vehicles shall cause to be sent to the commissioner a certified copy of his or her driving record from the jurisdiction from which his or her license is issued. This certified record shall be filed with the commissioner before the original application will be approved and shall be filed upon each and every subsequent renewal.

*(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 274; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916)*

#### **140 IAC 4-1-14 General provisions**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 14. General Provisions. (1) If the Commissioner finds that the application and the school or instructor for which the license is sought, complies with IC 9-27-4 and the rules and regulations of the Commissioner promulgated under the provisions of IC 9-27-4, a license shall be issued to the applicant.

(2) No person shall perform any instructional duties as an owner or employee of any school or branch thereof unless such person shall meet the qualifications for instructors as herein provided and all instructional personnel must possess a valid instructor's license issued by the Commissioner of the Indiana Bureau of Motor Vehicles.

(3) No state official, his agent or employee whose duties relate in any way to the issuance of Indiana driver licenses, nor any employee of the Indiana Bureau of Motor Vehicles or any member of his immediate family shall be connected in any capacity whatsoever with any commercial driving school.

(4) Any full-time teacher in an accredited high school, college or university who has among his duties the teaching of driver's

education shall be exempt from these regulations except when employed as an instructor in a commercial driver training school.

(5) The provisions of the rules and regulations shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, or to schools or classes conducted by colleges, universities and high schools for students regularly enrolled in such a course.

(6) The Commissioner, at his discretion, may establish an advisory board consisting of licensed commercial driver training school operators and licensed commercial driver training instructors. The advisory board shall have as its chairman the Commissioner or his appointed representative. The members of the board shall serve at the pleasure of the Commissioner and shall receive no compensation for their services.

(7) No complete course of instruction conforming to the standards of the Indiana Department of Public Instruction shall be completed in less than fourteen (14) calendar days.

(8) The Commissioner is herein and hereby empowered to grant instructor licenses that are restricted to theoretical instructions when the applicant has some affliction or impairment which would otherwise make it impossible for him to receive a license.

(9) The commercial driver training school is required to ascertain, before giving practical instruction to Indiana residents, that the student possesses a valid driver education permit, operator license, chauffeur license, or public passenger chauffeur license from the Indiana Bureau of Motor Vehicles. All non-resident students must hold a valid license or permit allowing them to operate a motor vehicle in their home state.

(10) The course of instruction for any person holding a valid driver education permit shall consist of both theoretical and practical instruction in at least the minimal amounts as prescribed by the Indiana Department of Public Instruction. In the event that an individual has successfully completed either the theoretical or practical instruction at either an accredited institution or licensed commercial driver training school, the school at which the individual is applying can with written certification from the school which the individual took the course, give the remaining instruction. When the courses of instruction are given at two schools the school giving the latter of the courses can, have records as to the previous instruction, certify that the individual has successfully completed both phases (i.e. theoretical and practical) of his training.

(11) The school shall agree to permit the Commissioner or his representatives to inspect the school and shall make available to the Commissioner, at any time when requested to do so, full information pertaining to any or all items of information contained in the application form, and shall permit them to make photostatic copies of the school records required to be kept by the Commissioner.

(12) A school may change its fee schedule, contracts, examinations or other forms required to be filed with the Commissioner only when the school has by certified mail notified the Commissioner at least thirty (30) calendar days prior to such change.

(13) A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is "supervised," "recommended," or "endorsed" by the Commissioner or the Indiana Bureau of Motor Vehicles.

(14) No commercial driver training school shall advertise in any manner until such time as the school is properly licensed by the Commissioner.

(15) No commercial driver training school instructor, employee or agent will be permitted to accompany any student into any office being used for the giving of driver license examinations for the purpose of assisting a student taking an examination.

(16) No commercial driver training school instructor, employee or agent shall be permitted to loiter in or on the premises rented, leased, owned, or used in conjunction with the Indiana Bureau of Motor Vehicles.

(17) No commercial driver training school instructor, employee or agent shall be permitted to personally solicit any individual on the premises rented, leased, owned or used in conjunction with the Indiana Bureau of Motor Vehicles for the purpose of enrolling them in any commercial driver training school.

(18) Any false information on any application or form shall be grounds for suspension or revocation of any license issued.

(19) The Commissioner may suspend or revoke any license or certificate mentioned in this Act or rules and regulations promulgated pursuant to IC 9-27-4 if he shall find any of the following violations. Violations that are cause for suspension or revocation are inclusive of but not limited to the following:

(a) The licensee has violated any provision of IC 9-27-4 or any of the rules and regulations of the Commissioner.

(b) The applicant, licensee, any instructor or agent is addicted to the use of alcoholic liquors, morphine, cocaine or other drugs having similar effects, or shall become incompetent.

(c) The licensee has failed or refused to permit the Commissioner or his representative to inspect the school or class, or motor vehicles which are used to teach its students or full information pertaining to any or all items contained in an application form

or to its program.

(d) The applicant has failed or refused to submit to the Commissioner an application for license in the manner prescribed by the Commissioner.

(e) The licensee has failed or refused to produce his license when requested to do so either by prospective students or the Commissioner or his authorized agent.

(f) The applicant or licensee has failed to maintain adequate standards of instruction or qualified instructors or equipment sufficient to maintain the school or classes.

(g) The licensee is employing instructors, teachers, or agents who have not been approved and licensed by the department.

(h) There has been a change in ownership of the school without advising the department immediately by the herein established procedure.

(i) The licensee is instructing students contrary to the restrictions imposed on the students' driver license.

(j) The licensee has the unauthorized possession of application forms or questionnaires used by the Indiana Bureau of Motor Vehicles in conjunction with administering driver license examinations.

(20) Violations that are cause for permanent revocation are inclusive of but not limited to the following:

(a) The licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, or moral conduct.

(b) The licensee has aided or assisted a person in obtaining a driver license by fraudulent procedure.

*(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 276; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

## **Rule 2. Operator or Chauffeur Licensing; Requirements; Procedures**

### **140 IAC 4-2-1 Waiver of age and experience requirements**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 1. Procedures and Requirements for obtaining a waiver of the age and experience requirements for an initial operator's or chauffeur's *[sic.]* license. (1) Requirements for obtaining waiver:

(A) If the individual requesting the waiver is under eighteen (18) years of age:

(1) The individual requesting the waiver must be the only driver in their household and/or the primary means of support for their family unit.

(2) The license must contribute directly to the welfare of the household.

(3) There must be no alternative means of transportation available.

(4) No one under the age of sixteen (16) will be granted a waiver without proof of completion of an approved driver education course.

(B) If the individual requesting the waiver is over eighteen years of age:

(1) The individual requesting the waiver must have no other transportation available for gainful employment.

(2) Transportation available shall be limited to convenient public transportation and/or convenient transportation from a household member.

(2) Procedures for obtaining waiver:

(A) The applicant for waiver shall submit a written request to the Commissioner.

(B) The request will be processed by the Driver Examiner Division of the Bureau of Motor Vehicles.

(1) The Driver Examiner Division will acknowledge the request and forward an application for waiver to the requesting party.

(2) The completed application will be reviewed and investigated by the Driver Examiner Division.

(3) If approved the applicant will receive a written waiver which may be presented to any branch of the Bureau of Motor Vehicles at the time of application for an initial Indiana operator's or chauffeur's license.

(4) This waiver does not effect any requirement as to the written, vision and driving test.

(C) The Commissioner within his discretion may alter any of the foregoing procedures when in his opinion an extreme emergency exist.

*(Bureau of Motor Vehicles; Driver Examiner Rule 15; filed Jan 14, 1980, 11:50 a.m.: 3 IR 160; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

**Rule 3. Vision Screening**

**140 IAC 4-3-1 Vision test chart (state form 27738)**

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 1. The bureau of motor vehicles shall use the Indiana driver's vision test chart (state form 27738), which form is incorporated by reference, to determine the vision capabilities of an individual being tested and the guidelines to be followed for issuing vision license restrictions. The incorporation does not include any later amendments or editions. A person may obtain a copy of the incorporated vision chart by contacting:

Bureau of Motor Vehicles  
Driver Examiner Division  
Indiana Government Center-North  
100 North Senate Avenue, Room 403  
Indianapolis, Indiana 46204

*(Bureau of Motor Vehicles; 140 IAC 4-3-1; filed Nov 9, 1983, 3:42 p.m.: 7 IR 35; errata, 7 IR 2546; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 917)*

**Rule 4. Driver Education Classes**

**140 IAC 4-4-1 Application**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 1. This rule applies to all commercial driver training schools, high school driver education programs, and state driver examiners. *(Bureau of Motor Vehicles; 140 IAC 4-4-1; filed Nov 12, 1998, 3:00 p.m.: 22 IR 970)*

**140 IAC 4-4-2 Definitions**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-13-2; IC 9-24-2-1; IC 9-27-4; IC 20-1-1-6

Sec. 2. The following definitions apply throughout this rule:

- (1) "Actively enrolled in a driver education class" means actually attending either the classroom instruction phase or the behind-the-wheel instruction phase of a driver education class.
- (2) "Behind-the-wheel instruction" means that phase of a driver education class that gives a student actual behind-the-wheel driving instruction in a motor vehicle.
- (3) "Bureau" means the bureau of motor vehicles.
- (4) "Certified driver education form" means the bureau-prescribed form given to an applicant by a commercial driver training school or a high school/college driver education program for participation in a driver education class that shall be presented to the bureau when the applicant applies for a driver education permit.
- (5) "Classroom instruction" means that phase of a driver education class that is conducted in a classroom setting and gives a student instruction on the laws and general procedures regarding the operation of a motor vehicle.
- (6) "Commercial driver training school" has the meaning set forth in 140 IAC 4-1-1(1).
- (7) "Drive test" means the bureau-approved standardized examination given by either:
  - (A) a commercial driver training school instructor or high school driver instructor for the purpose of determining whether a student has sufficient physical and mental ability to operate a motor vehicle to qualify for a driver's license and the granting of a waiver; or

(B) a state driver examiner for the purpose of determining whether a student has sufficient physical and mental ability to operate a motor vehicle to qualify for a driver's license.

(8) "Driver education class" means a class administered by a commercial driver training school or a high school driver education program for the purpose of instructing and training individuals to operate a motor vehicle.

(9) "Driver education learner's permit" means a permit issued to a person who is:

(A) at least fifteen (15) years of age;

(B) not disqualified under IC 9-24-2-1; and

(C) actively enrolled in a driver education class.

This permit allows the person to operate a motor vehicle on Indiana highways only under the conditions contained in this rule.

(10) "Driver education school" means a commercial driver training school or a high school driver education program conducted for the education and training of individuals to operate a motor vehicle.

(11) "Driver instructor" means any individual employed by a commercial driver training school or high school driver education program for the purpose of instructing a driver education class or administering a drive test. Only a person who is affiliated with a commercial driver training school or high school driver education program may act as a driver instructor within the meaning of this rule.

(12) "High school driver education program" means a public, private, or parochial school participating with the bureau and providing a driver education class.

(13) "Learner's permit" means a permit issued to a person who:

(A) is at least sixteen (16) years of age;

(B) is not disqualified under IC 9-24-2-1; and

(C) has passed the written test required to obtain a learner's permit.

(14) "Numbered stamp" means the numbered stamp issued by the bureau and assigned to a commercial driver training school or high school driver education program participating in the waiver program.

(15) "State driver examiner" means an employee of the bureau whose duties include the administration of drive tests at license branches.

(16) "Student" means a person who holds a permit and is actively enrolled in a driver education class.

(17) "Waiver" means the granting of an exemption of the requirement that a drive test be conducted by a state driver examiner. Once a student is granted a waiver, he or she must successfully pass both a mandatory written test and vision screening test before a driver's license may be issued by the bureau. Failure to pass the written/electronic test will automatically invalidate the waiver of the drive test.

(18) "Waiver program" means the program established by the bureau creating a standardized drive test procedure that participating schools must follow in order to grant a waiver to a qualified student.

*(Bureau of Motor Vehicles; 140 IAC 4-4-2; filed Nov 12, 1998, 3:00 p.m.: 22 IR 970; errata filed Jul 6, 1999, 11:38 a.m.: 22 IR 3419)*

#### **140 IAC 4-4-3 Certified driver education forms**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 3. A certified driver education form, otherwise known as "CDE Forms", shall be issued to all persons applying for enrollment in a driver education course. The driver education instructor shall postdate the forms no more than three (3) weeks prior to the date the driver education class is scheduled to begin. *(Bureau of Motor Vehicles; 140 IAC 4-4-3; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971)*

#### **140 IAC 4-4-4 Effective date of permits**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 4. A permit shall not be issued by the bureau upon presentation of a certified driver education form prior to the date designated on the certified driver education form. *(Bureau of Motor Vehicles; 140 IAC 4-4-4; filed Nov 12, 1998, 3:00 p.m.: 22 IR*

971)

**140 IAC 4-4-5   Invalidation**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 5. If a student fails to attend or successfully complete a driver education class, the driver instructor shall notify the bureau in writing, within ten (10) days, that the student failed to attend or successfully complete the class. The bureau shall invalidate the student's driver education learner's permit upon receipt of said notification. (*Bureau of Motor Vehicles; 140 IAC 4-4-5; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971*)

**140 IAC 4-4-6   Hours of instruction**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 6. Every student shall successfully complete a minimum of thirty (30) clock hours of classroom instruction and six (6) clock hours of behind-the-wheel instruction in order to qualify for a waiver. (*Bureau of Motor Vehicles; 140 IAC 4-4-6; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971*)

**140 IAC 4-4-7   Grade requirements for waiver**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 7. If a student receives a grade of "B-" or lower in the classroom instruction or behind-the-wheel instruction, he or she shall not be eligible to receive a waiver. (*Bureau of Motor Vehicles; 140 IAC 4-4-7; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971*)

**140 IAC 4-4-8   Completion of driver education class; permit**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 8. (a) When a student successfully completes a driver education class, his or her permit shall be marked with the following:

- (1) The student's grades.
- (2) The signature of a driver instructor.
- (3) The numbered stamp of the driver education school attended by the student.

(b) In addition to the requirements listed under subsection (a), the driver education instructor must stamp the words "Drive Test Required" on the permit if the student fails to pass the drive test. If the student passes a drive test administered by a driver instructor, the words "No Drive Test Required" shall be stamped on the permit. A student shall be given one (1) and only one (1) drive test administered by a commercial driver school or high school driver instructor.

(c) A drive test shall be administered by a state driver examiner before an operator's license may be issued if the permit is not in compliance with subsection (b).

(d) If there are any irregularities, including, but not limited to, strike-overs, erasures, or the use of white-out, the bureau shall consider the permit invalid. (*Bureau of Motor Vehicles; 140 IAC 4-4-8; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971*)

**140 IAC 4-4-9   Drive test for waiver**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 9. (a) In addition to the hours of instruction required under section 6 of this rule and grade requirements under section 7 of this rule, a commercial driver school or high school driver instructor shall offer to administer a drive test to each student enrolled

in a driver education class that participates in the bureau waiver program. The student must also pass the drive test to qualify for a waiver. The instructor administering the drive test shall not be the same instructor who provided behind-the-wheel instruction to that student.

(b) All commercial driver or high schools which choose to participate in the bureau waiver program shall use a standardized drive test score sheet, designed and approved by the bureau, to administer and score the drive test.

(c) The signature of the instructor who conducted the classroom instruction, the signature of the instructor who conducted the behind-the-wheel instruction, and the signature of the instructor who administered the drive test must all appear on the standardized drive test score sheet to be valid. The instructor conducting the drive test shall note on the drive test score sheet whether the student passed or failed the test.

(d) Score sheets shall be kept at the location of the school and shall be made available to the bureau upon request for a period of at least two (2) years. (*Bureau of Motor Vehicles; 140 IAC 4-4-9; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971*)

#### **140 IAC 4-4-10 Instruction requirements**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 10. (a) Instruction and testing regarding the following items or locations shall be conducted by a commercial driver or high school instructor in the behind-the-wheel instruction:

- (1) School zone.
- (2) Parallel parking.
- (3) Speed zones.
- (4) Intersections.
- (5) General driving behavior.

(b) Instruction and testing regarding the following items or locations shall be provided by a commercial driver or high school instructor in the behind-the-wheel instruction if said items or locations are available:

- (1) Dual lanes.
- (2) One-way streets.
- (3) Railroad crossings.

(*Bureau of Motor Vehicles; 140 IAC 4-4-10; filed Nov 12, 1998, 3:00 p.m.: 22 IR 972*)

#### **140 IAC 4-4-11 Automatic failure of drive test**

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4; IC 20-1-1-6

Sec. 11. Any of the following actions shall result in the automatic failure of the drive test:

- (1) Disobeying a yield, stop, school zone, or no turn on red sign.
- (2) Disobeying a traffic signal.
- (3) Backing over a curb while parallel parking.
- (4) Driving into a parked vehicle while parallel parking.
- (5) Failure to follow instructions.
- (6) Failure to use a seat belt.
- (7) Failure to react to hazardous driving conditions.
- (8) Speeding.
- (9) Driving too fast for conditions.
- (10) Turning into or using the wrong lane.
- (11) Passing in a no passing zone or otherwise crossing a solid yellow line.
- (12) Driving left of center.
- (13) Straddling lane markings.
- (14) Driving too close to pedestrians or bicycles.
- (15) Failure to pull over or stop for emergency vehicles or school buses.

(16) Causing an accident during a road test.

(17) Failure to yield right-of-way.

It shall be within the discretion of the state driver examiner or driver instructor to continue a drive test after a student has failed the drive test. (*Bureau of Motor Vehicles; 140 IAC 4-4-11; filed Nov 12, 1998, 3:00 p.m.: 22 IR 972*)

## **ARTICLE 5. ABANDONED VEHICLES DIVISION**

### **Rule 1. Administration of Abandoned Vehicles Law**

#### **140 IAC 5-1-1 Definitions**

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-13-2; IC 9-22-1

Sec. 1. (a) This rule will incorporate statutory definitions of the following terms as contained in P.L.108, Acts 1975, IC 9-1-1-2 [*IC 9-1 was repealed by P.L.2-1991, SECTION 109, effective July 1, 1991.*], and IC 9-9-1.1-2 [*IC 9-9-1.1-2 was repealed by P.L.2-1991, SECTION 109, effective July 1, 1991. See IC 9-13-2.*]:

(1) Bureau of motor vehicles.

(2) Commissioner.

(3) Abandoned vehicles.

(4) Officer.

(5) Parts.

(6) Towing service.

(7) Market value.

(b) "Fair market value" means twenty percent (20%) of the market value of the vehicle if the vehicle was offered for sale under normal circumstances. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule I; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 254; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498; readopted filed Jul 30, 2001, 10:28 a.m.: 24 IR 4230*)

#### **140 IAC 5-1-2 Abandoned vehicles storage and towing charges**

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 2. (a) The commissioner agrees to reimburse storage facility and towing service operators for services provided for abandoned vehicles reported to the bureau of motor vehicles and sold by the state in accordance with the provisions of the law. The commissioner in no event shall pay for towing and storage charges which exceed the limits as contained in this rule or the sale price of the vehicles, whichever is less.

(b) Charges for providing towing service for abandoned vehicles shall be the reasonable value of the service rendered according to the usual and customary charges in the community. The amount the commissioner shall pay for normal towing service for any type vehicle less than eight thousand six hundred (8,600) pounds gross vehicle weight shall not exceed fifty dollars (\$50).

(c) The amount the commissioner shall pay for normal towing service for any type vehicle greater than eight thousand six hundred (8,600) pounds gross vehicle weight and less than fifteen thousand (15,000) pounds gross vehicle weight shall not exceed one hundred fifty dollars (\$150).

(d) The amount the commissioner shall pay for normal towing service for any type vehicle greater than fifteen thousand (15,000) pounds gross vehicle weight shall not exceed five hundred dollars (\$500).

(e) The commissioner, at his discretion, may pay a claim for an amount in excess of the amounts enumerated under subsections (b) through (d), provided the claim is presented in writing outlining the unusual circumstances and services provided.

(f) Storage charges paid by the commissioner for any type vehicle shall not exceed the rate of ten dollars (\$10) per day, which may be accumulated over a period of thirty (30) days for a maximum storage charge of three hundred dollars (\$300). The number of days shall be calculated from the day the vehicle was towed to the storage facility or released from a police hold.

(g) Claims for towing service will have first priority for reimbursement out of the proceeds of the vehicle sale. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule II; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 254; filed Apr 28, 1981, 9:35*

*a.m.: 4 IR 899; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498; readopted filed Oct 17, 2001, 4:48 p.m.: 25 IR 918)*

**140 IAC 5-1-3 Terms of sale**

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 3. (a) All sales of abandoned vehicles conducted by the commissioner or his duly authorized representative shall be made payable by check, certified check, or money order.

(b) The bureau specifically reserves the right to withdraw from an abandoned vehicle sale any vehicle which the commissioner or his representative may reasonably believe is not bringing its fair market value. This withdrawal can be made any time prior to completing the sale.

(c) Vehicles sold at state auction must be removed from the premises of the auction within twenty-four (24) hours unless prior arrangements with the lot owner have been made. Vehicles not removed within the allotted time may be subject to resale as abandoned vehicles. *(Bureau of Motor Vehicles; Abandoned Vehicles Rule III; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498; readopted filed Oct 17, 2001, 4:48 p.m.: 25 IR 918)*

**140 IAC 5-1-4 Report; determination of market value**

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 4. (a) The commissioner shall require the completion of a prescribed abandoned vehicle report (state form 322) from a law enforcement officer that describes the general condition and estimated value of the vehicle in accordance with guidelines determined by the commissioner. Each abandoned vehicle report submitted by law enforcement officers shall also be verified and signed by the towing service or storage facility operator as to the general condition and estimated value of the vehicle.

(b) Any storage facility or towing service operator that has reason to believe that the law enforcement officer responsible for authorizing the vehicle to be placed in a storage facility has not completed and transmitted the abandoned vehicle report to the bureau within fifteen (15) days of receipt of the vehicle may contact the law enforcement agency and request that the abandoned vehicle report be submitted expeditiously.

(c) Abandoned vehicle reports for vehicles that are estimated to be valued at one hundred dollars (\$100) or less shall be accompanied by a photograph furnished either by the law enforcement officer or towing service or storage facility operator.

(d) The following descriptive characteristics will presumptively qualify vehicles to be worth one hundred dollars (\$100) or less and subject to disposition in accordance with the provisions of law:

(1) Vehicles ten (10) model years or older that have extensive deterioration to the interior or exterior of the vehicle or are inoperable or are otherwise inoperable because of faulty or missing major parts.

(2) Vehicles five (5) model years or older that have been extensively destroyed by fire, explosion, vandalism, or other causes, excluding traffic accidents, and are inoperable.

(e) An abandoned vehicle subject to fair market value is:

(1) a vehicle that is in running condition and has a value of five hundred dollars (\$500) or more on a normal retail or wholesale lot; or

(2) a vehicle that, because of uniqueness or parts, has a value of five hundred dollars (\$500) or more as salvage.

(f) When active bidding occurs, the fair market value is determined by the highest bid price. An exception to this is if, in the opinion of the auctioneer, bidders are acting in concert to depress the price, or the high bid is grossly inadequate.

(g) When there are no bidders present, the dollar value is depreciated by the normal towing and storage charges of the storage lot that accrues to the date of sale up to the maximum charges allowed by regulation.

(h) All vehicles that do not bring fair market value will be pulled from the sale and auctioned at run again in the next sale at that storage facility that occurs at least two (2) weeks from the original sale date. *(Bureau of Motor Vehicles; Abandoned Vehicles Rule IV; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 499; readopted filed Oct 17, 2001, 4:48 p.m.: 25 IR 919)*

**140 IAC 5-1-5 Marking and displaying vehicles before auction**

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 5. The owner of a storage facility or his representative, upon notice from the bureau as to the date and time of an abandoned vehicle auction at his place of business, shall, no less than seven (7) days prior to the auction:

(1) mark all vehicles or parts to be sold, with letters no less than eight (8) inches high, with the words "State Sale" and the lot number; and

(2) display the vehicles or parts in such a manner and location that they may be inspected by the general public.

*(Bureau of Motor Vehicles; Abandoned Vehicles Rule V; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 256; filed Nov 21, 1989, 5:00 p.m.: 13 IR 499; readopted filed Jul 30, 2001, 10:28 a.m.: 24 IR 4230)*

**140 IAC 5-1-6 Approval of storage facilities or towing services**

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 6. APPROVED OR SUITABLE STORAGE FACILITY. Any storage facility or towing service which is used for the removal and storage of abandoned vehicles or parts by enforcement officers is approved by the Bureau provided such facility operator or owner, or their representative(s) has not disregarded or violated the conditions or provisions of these rules and regulations.

The Commissioner may declare a storage facility to be non-approved for usage by the Bureau in regard to towing, storage or for conducting the sale of abandoned vehicles if any one or more of the following conditions is determined, after reasonable investigation, to have existed or occurred:

(a) charging excessive storage fees on an abandoned vehicle(s) redeemed by an owner, his representative, or a lienholder of such motor vehicle;

(b) failure to report the receipt of abandoned vehicles as required in Rule IV of these rules and regulations;

(c) actively or passively hindering or obstructing a bidder from attending and/or bidding at an abandoned vehicle auction, or hindering or obstructing a purchaser of an abandoned vehicle from removing a motor vehicle(s) from the storage facility;

(d) operating the storage facility or towing service in such a manner which results in the Bureau receiving sufficiently documented complaints concerning poor customer service or unusual damage to stored or towed vehicles; or

(e) conducting business of the storage facility or towing service in an illegal manner or operating such business in a manner inconsistent with the usual and customary conduct of the industry.

*(Bureau of Motor Vehicles; Abandoned Vehicles Rule VI; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 256; readopted filed Jul 30, 2001, 10:28 a.m.: 24 IR 4230)*

**140 IAC 5-1-7 Withdrawal of approval of storage facilities**

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 4-21.5; IC 9-22

Sec. 7. PROCEDURES TO BE FOLLOWED IN WITHDRAWING APPROVAL FOR USE OF STORAGE FACILITIES. The Commissioner shall follow the following procedures for withdrawing approval of storage facilities for violation of conditions contained in these rules and regulations:

(a) Notification will be sent by registered mail, return receipt requested, to the storage facility operator outlining the complaints, infractions of rules or state law, and requesting a written or personal response within fifteen days.

(b) If there is no response to the notification or the reply is unsatisfactory and/or the disregard for the citation contained in the notice continues, the storage facility operator shall be requested to attend a hearing to show cause why the Commissioner should not withdraw his approval for permitting the storage facility to be used for abandoned vehicles reported to the Bureau of Motor Vehicles. The hearing shall be in accordance with the Administrative Adjudication Act (IC 1971, 4-22-1 *[Repealed by P.L. 18-1986, SECTION 2. See IC 4-21.5.]* et seq).

(c) The Commissioner shall advise the storage facility operator of his decision, in writing, stating the cause of the disapproval,

the term of the suspension, and the conditions that must be met prior to petitioning for reinstatement as a conditionally approved storage facility operator.

*(Bureau of Motor Vehicles; Abandoned Vehicles Rule VII; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 256; readopted filed Jul 30, 2001, 10:28 a.m.: 24 IR 4230)*

## **ARTICLE 6. TITLE DIVISION**

### **Rule 1. Application, Change, Transfer of Title; Procedures**

#### **140 IAC 6-1-1 Definitions**

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-17

Sec. 1. (a) Definitions. Words and phrases used in these regulations shall, for the purpose of these regulations have the meanings defined in IC 9-13-2 except in those instances where the context clearly indicates a different meaning.

(b) Definition of a Proper Certificate of Title. After a vehicle has been sold or transferred, a proper certificate of title must contain the following information:

- (1) Purchaser's Name
- (2) Seller's Signature
- (3) Name of Notary
- (4) Date Signature is Notarized.

*(Bureau of Motor Vehicles; (9-1-1-2)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 133; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)*

#### **140 IAC 6-1-2 Application for title; contents**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 2. Application contents. (A) Any person who purchases or otherwise acquires a new or used motor vehicle, trailer, semi-trailer, recreational vehicle, or mobile home must apply for a certificate of title in the purchaser's or transferee's name. All trailers, except camping trailers built after January 1, 1986, of a gross weight of three thousand pounds (3,000 lbs.) or less and motorized bicycles are not required to be titled.

(B) Application for certificate of title shall be made upon a form to be furnished by the commissioner and shall be acknowledged before a notary public or other officer empowered to administer oaths. The application shall contain:

- (1) The name, residence, mailing address, and Social Security or other identification number for the vehicle's owner;
- (2) A description of the vehicle to include: vehicle make, vehicle identification number, vehicle year, vehicle type, and model number;
- (3) The former title number, if any;
- (4) The date of purchase;
- (5) The name and address of the first and second lienholders, if any;
- (6) And any other information that the commissioner may require to administer the motor vehicle laws.

(C) An individual must apply for an Indiana title before obtaining registration plates; however, registration plates need not be purchased at the time application for title is made, if the person applying for the title executes an affidavit on a form designated by the commissioner indicating that the vehicle will not be operated on the highways until properly registered.

(D) Accompanying the application for certificate of title shall be an affidavit of the seller or transferor certifying that the Indiana sales or use tax has been paid to the seller or transferor. If the affidavit is not presented to the license branch, the branch shall collect the sales or use tax on the vehicle.

(E) If a certificate of title has been previously issued for the vehicle by the state of Indiana, the application shall be accompanied by the Indiana certificate of title duly assigned.

(F) If the application for title is for a vehicle brought into Indiana from another state, the application shall be accompanied

by a proper certificate of title. If the vehicle was brought from a state that does not issue certificates of title, a sworn bill of sale or dealer's invoice fully describing the vehicle and the last or current registration receipt will be necessary.

(G) If a certificate of title has not been previously issued for the vehicle by either the state of Indiana or another title state, the application must be accompanied by a manufacturer's certificate of origin.

(H) If the vehicle has been brought in from out-of-state or assembled or rebuilt by the owner the vehicle must be inspected by a police officer. The inspecting official shall verify the facts stated in the application and note the following information on the application:

- (1) The vehicle identification number;
- (2) The make and year of the vehicle;
- (3) Police officer's title, police agency, and signature;
- (4) Date; and
- (5) The signature of the applicant and if signing for a company his position.

(I) If the vehicle has been built, constructed, or assembled by the owner and has been assigned a vehicle identification number (note: subsection (K)), the owner shall attach to his application in lieu of an assigned title or certificate of origin, an affidavit setting forth that the vehicle was built or constructed by the owner.

(J) The bureau shall retain the evidence of title presented by the applicant upon which the Indiana certificate of title is issued.

(K) No certificate of title shall be issued for any motor vehicle privately assembled or substantially altered which does not have a distinctive identification number stamped on, or permanently attached to the vehicle. If the vehicle does not have a motor vehicle identification number, the owner must obtain a number from the bureau by making application. The procedure as prescribed in section 17 of this rule should be utilized. (*Bureau of Motor Vehicles; (9-1-2-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 133; filed Sep 23, 1988, 8:30 a.m.: 12 IR 249; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-3 Change of name**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 3. Procedures and requirements for name change.

(A) Individual. (1) Any person may make application for a new title because their name has changed.

(2) The application must be accompanied by a name change affidavit on the form designated by the commissioner and the old title must accompany the new title application.

(B) Company. (1) Not all company name changes are treated as name changes by the bureau of motor vehicles. If the applicant a [*sic.*] change of ownership is not a change of name and does not qualify for any use (sales) tax exemption or the opportunity to transfer license plates and the corresponding excise tax. The following assignments are some that do not qualify as a name change:

- (a) individual to existing corporation;
- (b) existing corporation to individual;
- (c) irrevocable trust to individual;
- (d) corporation dissolution.

(2) The following assignments are some that do qualify as a name change:

- (a) individual to company;
- (b) company to individual;
- (c) individual to irrevocable trust;
- (d) revocable trust to individual;
- (e) individual to newly formed corporation for stark;
- (f) corporation name change only;
- (g) wholly owned subsidiary transfer from parent corporation;
- (h) merger of two corporations.

(3) The following procedure should be used:

(a) Prior to the actual title application written notice must be given to the Bureau of Motor Vehicles, Room 409, State Office Building, Indianapolis, Indiana 46204.

(b) This notice should give reasons, details, and circumstances necessitating the name change. Accompanying the notice, the applicant should forward on forms designated by the commissioner a completed affidavit of ownership and, if necessary, certificate of corporate minutes.

(c) The request for name change will be reviewed by the bureau of motor vehicles and, if approved, the applicant will be notified by letter of the approval.

(d) Based upon this letter of approval, the applicant may now have his application processed at any license branch. The application must be accompanied by the letter of approval from the bureau of motor vehicles.

(e) The title will not be processed and registration plates issued or transferred without letter of authorization from the bureau of motor vehicles.

(C) One and the same person. (1) An individual who wishes to clarify his name as it appears on a title may use a one and the same person affidavit in the form designated by the commissioner. (*Bureau of Motor Vehicles; (9-1-2-1)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 135; filed Sep 23, 1988, 8:30 a.m.: 12 IR 250; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-4 Adding or removing names from title**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 4. Procedures and requirements for adding or dropping a name from a title. (A) Adding a name to a title

(1) Either both persons must sign the title application (one of the parties may, instead, give the other party his or her Power of Attorney to cover this requirement).

(2) Or, the person whose name will be added may make a notarized affidavit authorizing their name to be added. The application then only needs the signature of the original assignee or title owner.

(B) Dropping a name from a title

(1) In dropping a name from a title both signatures are required on the title.

(2) Both individuals indicated on a title must sign off the title as seller. The individual whose name is to be indicated on the new title is noted as purchaser on the old title.

(3) The party whose name is to be dropped from the title may by affidavit or power of attorney allow his or her name to be dropped from the title. This affidavit or power of attorney will allow the party whose name is to remain on the title to sign-off the title on behalf of the individual whose name is to be dropped from the title.

(*Bureau of Motor Vehicles; (9-1-2-1)-3; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 135; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-5 Body change title**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 5. Procedures and requirements for body change title. (A) A body change title is issued whenever any change is made to a vehicle that alters the vehicle's make or type as stated on the vehicle's current title or certificate of origin.

(B) The application for a body change title must be accompanied by the former title or certificate of origin, a body change affidavit on the form designated by the Commissioner, and a police check. (*Bureau of Motor Vehicles; (9-1-2-1)-4; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 136; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-6 Delinquent fee for late application**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-29

Sec. 6. Procedures and requirements for delinquent title fee. (A) A ten dollar (\$10) delinquent fee is charged on any title application that is not made within twenty-one (21) days after the date of purchase.

(1) The purchase date is determined by the notary date of the seller's signature on an assigned title, certificate of origin, or

bill of sale.

(2) The twenty-one (21) day period begins with the day following the purchase date and continues for twenty-one (21) consecutive days (including Sundays and holidays). If the twenty-first day falls on a Sunday, legal holiday, or a day when the bureau of motor vehicles branches are closed, the due date will be the following day.

(3) The date on which the applicant first visited the bureau of motor vehicles branch is used as the application date. If the applicant cannot complete the application on that date, the date will, nevertheless, be utilized for determination of whether a delinquent title fee will be assessed.

(B) A non-resident owner of a vehicle with an out-of-state title who applies for an Indiana title in his name is not subject to a delinquent title fee.

(C) An Indiana resident who purchases an out-of-state vehicle without having the vehicle titled in another state must still comply with the twenty-one (21) day application procedure when applying for Indiana title.

(D) The delinquent fee will be assessed if on the ownership documents the notary date is altered in any manner.

(1) An error or accidental mutilation may be corrected by affidavit from the notary indicating the correct date on which the documents were notarized.

(2) The date of purchase for record purposes then is considered the date of application.

*(Bureau of Motor Vehicles; (9-1-2-1)-5; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 136; filed Sep 23, 1988, 8:30 a.m.: 12 IR 251; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)*

#### **140 IAC 6-1-7 Duplicate titles**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 7. The following are procedures and requirements for obtaining a duplicate title:

(1) In the event that certificate of title has been lost, mutilated, destroyed, or not received, the owner must apply for a duplicate title.

(2) Application for a duplicate title shall be made on a form designated by the commissioner.

(3) A duplicate title supersedes all previous titles. The duplicate must be utilized in all subsequent assignments of title.

(4) If a duplicate application is to replace a mutilated title, the mutilated title should accompany the application.

(5) A lien may be removed from the title at the time the duplicate title request is processed if the lien release documentation is verified and attached to the duplicate title application.

*(Bureau of Motor Vehicles; (9-1-2-1)-6; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 136; readopted filed Oct 17, 2001, 4:18 p.m.: 25 IR 920)*

#### **140 IAC 6-1-8 Transfer of title of decedent owner**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 8. Procedures and requirements for obtaining a decedent's title. (A) Title in joint ownership specifying full rights of survivorship: only the death certificate is necessary to transfer the motor vehicle into the sole name of the surviving party.

(B) Decedent as sole owner requires the following:

(1) A copy of the letters of administration, letters testamentary, guardianship papers, or power of attorney.

(a) The party with the delegated executory powers must sign the title on behalf of the deceased or ward in the same manner as if the deceased or ward were selling the vehicle. The deceased or ward's name must be signed followed by the name and title of the party executing the document.

(b) The letters of administration, letters testamentary, guardianship papers, or power of attorney must accompany the title.

(2) Or, a court order granting an unsupervised administration of the estate noting the personal representative. Based thereupon, the personal representative may transfer title as noted in subdivision (1).

(3) Or, a court order made on a petition for no administration.

(4) Or, an affidavit of no administration on the form designated by the commissioner and a certificate of death.

(a) After waiting five (5) days an affidavit of no administration as prescribed in IC 9-17 on the form designated by the commissioner may be used along with a certificate of death to transfer title to a vehicle.

(b) The affidavit of no administration may not be utilized if the deceased person was an out-of-state resident.

(C) Miscellaneous provisions. (1) Title in joint ownership between a husband and wife without specifying full right of survivorship: the same procedure as expressed in subsection (B) should be utilized.

(2) Title in joint ownership not between husband and wife without specifying full right of survivorship: the same procedure as expressed in subsection (B) should be utilized.

(3) If a title stating ownership by a deceased individual is lost or mutilated, a duplicate title must be applied for in the decedent's name. The application for the duplicate title must be accompanied by the proper documents as indicated in subsection (A) or (B). (*Bureau of Motor Vehicles; (9-1-2-1)-7; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 137; filed Sep 23, 1988, 8:30 a.m.: 12 IR 252; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-9 Police check**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18; IC 9-23

Sec. 9. Police check. (A) Police check (verification of a vehicle's year, make, and identification number by a police officer) is required on a vehicle under the following circumstances:

- (1) Out-of-state vehicle title assigned to an Indiana resident.
- (2) Out-of-state resident's title simply transferred to Indiana.
- (3) Certificate of Origin assigned by an out-of-state dealer to an Indiana resident.
- (4) Certificate of Origin assigned directly by the manufacturer to an Indiana resident.
- (5) Body Change application
- (6) Motor Vehicle Identification number application
- (7) Mechanic's Lien application
- (8) Corrected Title (ID # change) application
- (9) Affidavit of Ownership or Bill of Sale title application
- (10) Conversion of any Salvage Title to a regular Indiana title
- (11) Bureau request for clarification of identification number discrepancy
- (12) Out-of-country, government-owned and military-registered vehicles

(B) Police check is not required on a Certificate of Origin assigned from an out-of-state dealer to an Indiana dealer or from an out-of-state dealer to an Indiana dealer to an Indiana resident.

(C) Police check is not required on a Certificate of Origin assigned directly from the manufacturer to an Indiana dealer.

(D) The police check is to be completed in its entirety either on the title application or other appropriate forms. (*Bureau of Motor Vehicles; (9-1-2-1)-8; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 137; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-10 Title for vehicle previously titled**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 10. Procedures and requirements for transfer of previously held certificate of title. Before application for a new title can be made, the following requirements on the former title must be met:

(A) Indiana vehicle without a lien. (1) A person applying for an Indiana title on a vehicle previously titled in Indiana which does not have a lien outstanding on it, must present the former title with:

(a) The purchaser's name and address indicated in the space provided on the left hand portion of the assignment of title section located on the back of the title.

(b) The seller's notarized signature must be indicated in the space provided on the right hand portion of the assignment of title section located on the back of the title.

(c) In case of joint ownership an affidavit attached to the title may be utilized by one of the seller's noting that that

individual is signing off the title.

(B) Indiana Vehicle with lien. (1) A person applying for an Indiana title on a vehicle previously titled in Indiana with a lien noted on the title must utilize the same procedure as indicated in the foregoing subsection (A).

(2) In addition, the "release of first lien" block on the face of the title must be completed by the lienholder, showing the date the lien was satisfied, name of the lienholder and signature and official title of person authorized to release the lien.

(C) Out-of-state vehicles. (1) A person applying for an Indiana title on a vehicle previously titled in another state must present the following:

(a) If the out-of-state vehicle is from a state which utilizes titles, the title must be completed in a manner according to that state's requirements as to transfer of ownership of a motor vehicle.

(b) If the out-of-state vehicle is from a state which does not utilize titles, the applicant for an Indiana title must present a notarized bill of sale and the last registration receipt.

(c) (1) If the out-of-state vehicle is subject to a lien, the branch of the Bureau of Motor Vehicles where the application is made will request on a form designated by the Commissioner that the lienholder forward the title to the branch.

(2) When the branch of the Bureau of Motor Vehicles obtains the title from the lienholder, the applicant will be contacted to return to the branch to complete the title application.

(3) Once the title is processed an Indiana title will be returned to the lienholder noting both the applicant's and the lienholder's interest in the vehicle.

(4) For non-title states the lienholder's name will be determined from the respective ownership documents. The lien thereupon will be noted on the Indiana title, and the Indiana title mailed to the out-of-state lienholder.

(D) Any questionable alterations to either side of the title such as write-overs, erasures or information written in the wrong place on the title will constitute a mutilated title which will necessitate the seller of the vehicle applying for a duplicate title before a new title application can be taken.

(E) A title showing more than one person as owner, must have the complete signatures of each owner in the seller's block on the back of the title. A power of attorney from one of the parties attached to the title may be substituted for that parties signature on the title.

*(Bureau of Motor Vehicles; (9-1-2-2)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 138; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)*

#### **140 IAC 6-1-11 Procedures and requirements for application**

Authority: IC 9-14-2-2

Affected: IC 6-2.5; IC 9-17; IC 9-18; IC 9-23

Sec. 11. Procedures and requirements for applying for certificate of title. All persons applying for title in Indiana must comply with the following requirements for the type of vehicle or type of transfer which they intend to make.

(A) New motor vehicles. (1) Any person applying for title on a vehicle which has never been titled must surrender the manufacturer's statement, certificate of origin, or equivalent regardless of whether the vehicle was purchased in Indiana or not.

(2) A certificate of origin is supplied by the dealer at the time of purchase. If the applicant does not have this document, he must obtain the document or a duplicate of the document from the dealer where he purchased the vehicle.

(3) An applicant with a certificate of origin from an Indiana dealer must also provide on a form designated by the commissioner proof that the Indiana sales (use) tax has been paid to the dealer for the sale of the vehicle.

(4) A police check on the form designated by the commissioner is required for most out-of-state certificate of origins.

(B) Vehicles previously titled in Indiana. (1) Any person applying for title on a vehicle currently titled in Indiana must surrender a properly signed-over certificate of title at the time of application.

(2) If the vehicle was purchased from an Indiana dealer, proof of payment of sales (use) tax on a form designated by the commissioner must accompany the application. If the vehicle is purchased from a private owner or an out-of-state dealer, the sales (use) tax will be collected by the branch of the bureau of motor vehicles.

(3)(a) If the purchaser is unable to obtain a properly signed-over title and the vehicle in question is valued at twenty-five hundred dollars (\$2,500) or less, the purchaser may present:

(1) A notarized bill of sale.

(2) An affidavit of ownership on the form designated by the commissioner.

- (3) A registered letter sent to the registered owner at their last known address returned to the sender unclaimed and unopened.
- (4) A police check.
- (5) A lien release, if necessary.
- (b) Title will be issued if in the opinion of the bureau there is enough evidence to substantiate ownership.
- (c) If the vehicle in question is valued in excess of twenty-five hundred dollars (\$2,500) a court order from a court of competent jurisdiction pursuant to that court's equitable or legal powers will be required.
- (C) Foreign vehicles. (1) A person applying for Indiana title on a vehicle from a foreign country must meet the same requirements as is required in subsection (B) for an out-of-state vehicle.
- (2) United States government verification will be accepted as proof of ownership from military personnel.
- (3) Indiana sales (use) tax is due on any title application that is accompanied by an out-of-country ownership document. Military individuals are included.
- (4) A police check is required on all military-registered, government-owned, and out-of-country vehicles seeking an Indiana title.
- (D) Lien addition titles. (1) In order to record a lien on an Indiana title, a new title must be applied for.
- (2) A title application must be completed noting the new or additional lienholder.
- (3) The title application must be signed by the applicant and notarized. If the original title shows joint ownership, the application must be signed by all parties.
- (4) On a form designated by the commissioner, the applicant must note exemption from payment of sales tax.
- (5) To record the additional or new lien, the title fee must be paid. (*Bureau of Motor Vehicles; (9-1-2-2)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 139; filed Sep 23, 1988, 8:30 a.m.: 12 IR 252; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-12 Correction of assignments**

Authority: IC 9-14-2-2  
Affected: IC 9-17

- Sec. 12. Procedures and requirements for correcting erroneous assignment. (1) Erroneous assignments of title may be corrected by affidavit executed by the seller.
- (2) The affidavit may not be executed by the individual to whom the assignment was made.
  - (3) All affidavits to correct erroneous assignments must be executed within thirty (30) days from the notary date on the title's erroneous assignment.
  - (4) If the error is not discovered within thirty (30) days of the notary date on the erroneous assignment, the person making the error must apply for a duplicate title and then make the proper assignment. (*Bureau of Motor Vehicles; (9-1-2-2)-3; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 140; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-13 Certificates of origin; contents; assignment**

Authority: IC 9-14-2-2  
Affected: IC 9-17; IC 9-23

- Sec. 13. Certificates of origin. (1) Certificate of Origin must accompany the sale or other type of disposal of a new motor vehicle by a manufacturer or dealer.
- (2) The Certificate of Origin shall include but is not limited to the following:
    - (a) Make, year, body type and model of the motor vehicle
    - (b) Name of the manufacturer
    - (c) Motor vehicle identification number
    - (d) Miscellaneous date: engine size, additional equipment
  - (3) Provision shall be made so that the Certificate of Origin may be assigned to a purchaser. (*Bureau of Motor Vehicles; (9-1-2-3)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 141; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

**140 IAC 6-1-14 Dealer's title; assignment**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-23; IC 9-29

Sec. 14. Dealer's titles. (1) Motor vehicle dealers may title a vehicle in the name of the dealership.

(2) A vehicle titled by a registered dealer for the purpose of resale is not subject to a delinquent title fee. However, a vehicle titled in the dealership name for use by the dealership thus not subject to resale, is subject to the delinquent title fee. Likewise, the foregoing exclusion from the delinquent fee does not apply to a dealer which titles a vehicle in a name other than the dealership's for leasing purposes.

(3) A registered dealer may assign an Indiana title (transfer ownership) of a vehicle without applying for title. The assignment is executed by completing the assignment space provided on the reverse side of the certificate of title.

(a) The assignment may be made to a purchaser or to another dealer that dealer may in turn reassign title by utilizing the form designated by the Commissioner.

(b) A total of three (3) dealer reassignments may be made. After three (3) reassignments the last named purchaser, whether dealer or individual, must apply for title.

(c) The first two (2) reassignments may be executed utilizing the section designated "first reassignment by registered dealer only", and "second reassignment by registered dealer only". The third reassignment may be made on a form designated by the Commissioner after which the last named purchaser must apply for title.

(d) In making the assignment or reassignment the dealer must place his dealer number on the document.

(e) Anyone signing any document for a dealer must state his position after his signature.

(4) A registered Indiana dealer can assign an out-of-state title on a form designated by the Commissioner. The same rule of only three (3) reassignments applies. (*Bureau of Motor Vehicles; (9-1-2-3)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 141; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

**140 IAC 6-1-15 Repossession title; resale**

Authority: IC 9-14-2-2

Affected: IC 6-2.5; IC 9-17; IC 9-18; IC 9-23

Sec. 15. Procedures and requirements for obtaining a repossession title. (A) A repossession title may be issued to a lienholder upon proper application to the Bureau of Motor Vehicles on the form designated by the Commissioner.

(B) The person from whom the vehicle will be repossessed must be the last titled or assigned owner of the vehicle.

(C) Requirements for repossession

(1) If the lienholder has the title, the following requirements are necessary:

(a) The lienholder must have possession of the vehicle.

(b) The title must indicate the lien.

(c) The lienholder must make proper application for a repossession title.

(d) The lienholder must execute a certificate of repossession on the form designated by the Commissioner.

(e) The lienholder must provide a certified copy of the conditional sales contract along with the repossession application.

(2) If the owner of the motor vehicle has not applied for a title, it will be necessary for the reposessor to obtain in addition to the information delineated in subdivision (1) an assigned title or certificate of origin with the lien indicated.

(3) If the owner of the motor vehicle refuses to surrender the assigned title or certificate of origin or is unable to produce it, it will be necessary for the reposessor to obtain in addition to the information delineated in subdivision (1), a notarized affidavit indicating from whom the dealer or individual obtained the motor vehicle and to whom the dealer sold the motor vehicle.

(D) Certificate of repossession shall indicate:

(1) The owner of the motor vehicle.

(2) The owner's address.

(3) The vehicle type.

(4) The vehicle's identification number.

- (5) The lien on the vehicle.
- (6) The lienholder of the motor vehicle.
- (7) The lienholder's address.

(E) If a financial institution has been assigned the lien from the original lienholder, the financial institution must obtain either an affidavit from the original lienholder indicating the assignment of the lien or present the Indiana title with the assignment of lienholder's interest on the front of the title properly executed.

(F) Anyone holding a chattel mortgage or other type of lien not indicated on the title, wishing to repossess a vehicle, may obtain a repossession title by:

- (1) Submitting a repossession application along with;
- (2) A certificate of repossession and;
- (3) Providing properly executed judicial foreclosure papers.

(G) The same procedures as previously outlined are to be followed in any out-of-state repossession, whether it be a vehicle with an Indiana title and an out-of-state lien or a vehicle with an out-of-state title and an Indiana lien. A police check is necessary on out-of-state repossession.

(H) If the original owner again assumes possession of the vehicle after it has been repossessed, he must pay sales tax on the balance of the existing lien.

(I) The lienholder cannot sell a repossessed vehicle until he has obtained a title in the lienholder's name. (*Bureau of Motor Vehicles; (9-1-3.5-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 141; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-16 Salvage title; conversion; assignment; transfer**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18-2; IC 9-23

Sec. 16. Procedures and requirements for obtaining a salvage title. (A) Any individual who has acquired a salvage motor vehicle on or after September 1, 1975 on a vehicle model not exceeding the past five (5) model years must apply for a salvage motor vehicle title.

- (1) The applicant must provide with the application an ownership document properly assigned to him or his company.
- (2) The applicant for a salvage title must pay sales tax or indicate a sales tax exemption on the form designated by the commissioner.

(B) Salvage title. (1) The salvage title will appear as a regular Indiana title with the following exception:

(a) The front of the salvage title will bear the computer-typed words "Salvage title" in the lower left-hand corner between the state.

(b) The rear of the salvage title will bear a large hand-stamp indicating salvage title and reassignment rights covering the entire second reassignment portion of the title.

(C) Assignment of salvage title. (1) Any person having a salvage title in their name will simply assign the salvage title to a purchaser upon sale of the salvage motor vehicle. The purchaser, unless he is a registered Indiana dealer, must then apply for a new salvage title within twenty-one (21) days or pay a delinquent fee.

(2) If a salvage title is assigned to a registered dealer, the dealer may make one (1) reassignment to another purchaser.

(a) The assignment is made in the space provided on the title for first reassignment.

(b) The purchaser including dealers must then apply for another salvage title after the first reassignment.

(c) No second reassignment may be made on a salvage title.

(D) Converting salvage title to regular title. (1) Any person holding an Indiana or out-of-state salvage title for a vehicle that has been rebuilt may apply for a regular Indiana certificate of title. The following documents must accompany the application for title:

- (a) Affidavit of restoration on the form designated by the commissioner.
- (b) Police check on affidavit of restoration.
- (c) Salvage title on the motor vehicle.

(2) An individual or dealer holding a salvage title may restore the vehicle but wish to sell the rebuilt vehicle without a regular title in the seller's name.

(1) The seller may furnish the purchaser with salvage title.

(2) The affidavit of restoration.

(3) The police check on the affidavit of restoration.

(4) Based upon the foregoing the purchaser may apply for a regular title on the vehicle.

(E) Salvage title transfer. (1) An individual that purchases a salvage vehicle with an accompanying salvage title must apply for another salvage title.

(a) The purchaser cannot, if the vehicle is in salvage condition, convert to a regular title.

(b) An Indiana salvage title transferred to another Indiana salvage title does not require a police check. However, an out-of-state salvage title does require a police check.

(F) A motor vehicle issued a salvage title may not be registered under IC 9-18-2. (*Bureau of Motor Vehicles; (9-1-3.6-3)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 143; filed Sep 23, 1988, 8:30 a.m.: 12 IR 253; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-17 Motor vehicle identification number; application**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18; IC 9-22

Sec. 17. Procedures and requirements for making application for a motor vehicle identification number. (A) All vehicles titled in Indiana must have a motor vehicle identification number stamped or attached to the vehicle.

(B) If a vehicle, for some reason, does not have an identification number, one must be applied for before the vehicle may be titled.

(C) The following information must accompany the application for a special motor vehicle identification number:

(1) All major parts of assembled vehicles must have bills of sale and/or title.

(a) A bill of sale shall consist but is not limited to the purchaser's name, and address, complete description of the part (year, make, and serial number), price, and signature of seller.

(b) Major parts shall be considered the following:

(1) Cycle-frame and engine

(2) Trailer, semi or recreational vehicle-chassis and body

(3) Automobile-chassis, body, and engine

(4) Truck or semi-tractor-chassis, body, and engine

(c) Either a title or Affidavit of Ownership, as prescribed in section 11 of this rule, is required for the frame (chassis).

(2) If the applicant has reassembled a car, trailer, truck, or recreational vehicle, a picture of the completed vehicle must accompany the application.

(3) A police check verifying that the vehicle identification number no longer exists in a useable form.

(4) Must provide any additional titling information designated by the commissioner.

(D) The following procedure should be followed when applying for a special motor vehicle identification number.

(1) The application should be processed through the branch of the bureau of motor vehicles.

(2) The bureau of motor vehicles based upon the foregoing will assign a vehicle identification number to the vehicle.

(3) The vehicle identification number then must be verified as being properly placed upon the vehicle by a police check.

(4) Based upon the foregoing, title may be issued on the vehicle.

(*Bureau of Motor Vehicles; (9-1-5-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 144; filed Sep 23, 1988, 8:30 a.m.: 12 IR 254; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-18 Correction to vehicle identification number**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18; IC 9-23

Sec. 18. Procedures and requirements for correcting a motor vehicle identification number.

(A) Fee. (1) If the title is issued incorrectly and it is an error of the Bureau of Motor Vehicles or one of its branches, the correction will be made free.

(2) If a title is issued incorrectly and it is discovered not to be an error of the Bureau of Motor Vehicles or one of its branches, then a title fee assessed by the Commissioner will be charged for the corrected title.

(B) Error in certificate of origin given to the purchaser by the dealer. The following information is necessary to effect the correction of title:

- (1) Correct certificate of origin
- (2) Affidavit from dealer explaining the mistake
- (3) Police check
- (4) Title application
- (5) Title fee
- (6) Title issued by mistake

(C) If the dealer has switched the certificates of origin thus giving two purchasers incorrect title, both parties must apply for corrected title. The following information is necessary to effect the correction of title:

- (1) Both incorrect titles
- (2) Affidavit from dealer explaining error
- (3) Police check
- (4) Title application from each purchaser
- (5) Title fee

If one of the parties can not be contacted, a registered letter must be sent to the unlocated party return receipt request and returned unopened.

(D) An error on a title of a vehicle five (5) years old or older and not an error of the Bureau of Motor Vehicles or one of its branches. The following procedure is necessary.

- (1) Police check.
- (2) Title inquiry by the Bureau to determine if the vehicle described on the police check has ever been titled.
- (3) Correction may be processed if no other title outstanding.
- (4) If another title is outstanding, the outstanding title will be verified by police check.
- (5) If the police check does not resolve the problem, the title division should be contacted for resolution of the problem so that the vehicles may be properly titled.

(E) An error in an out-of-state title. (1) The Bureau will correct the error in the model portion of the vehicle identification number.

- (2) This correction will be based upon the police check required on all vehicles entering Indiana.
- (3) No error in the production or sequence portion of the identification number on the title of an out-of-state vehicle will be corrected until either a corrected title or a verification of error is obtained from the state of origin.

(F) Any request for correction on a vehicle type will be handled as a body change title.

(G) The following general information should be utilized as the standard procedure in any transaction:

- (1) All affidavits must be explicit.
- (2) A police check is a visual inspection of the identification number on the vehicle itself. It is not necessary for any title or other documentation be shown to the police officer making the police check.
- (3) A state police check is required only when there is unusual or suspicious circumstances surrounding a particular transaction.

*(Bureau of Motor Vehicles; (9-1-5-1)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 144; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)*

#### **140 IAC 6-1-19 Levy on mechanic's or garage lien; title**

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-22

Sec. 19. Procedures and requirements for obtaining title through a garage or mechanic's lien. (A) If, after thirty (30) days from the date on which a vehicle is left by its owner for storage and/or repairs, the owner fails to claim the vehicle and pay the storage and/or repair charges incurred, the vehicle may be sold to pay those charges utilizing the following procedures:

- (1) The owner must be notified by registered mail return receipt requested of the mechanic's intention to sell the vehicle at

public auction if the charges are not satisfied.

- (a) If the owner's name and address are unknown, this information may be obtained from the bureau of motor vehicles or appropriate agencies in another state where the vehicle is registered.
  - (b) If the letter is returned, it should be kept unopened and submitted with the application.
  - (c) If the letter is not returned, the signed return receipt, along with a copy of the letter, should be retained and submitted with the application.
- (2) If the vehicle has a lien against it, the following procedure should be adhered to:
- (a) A registered letter must be sent to the lienholder informing him of the charges against the vehicle and of the mechanic's intention to sell the vehicle.
  - (b) The letter should request a lien release.
  - (c) If the lien has not been satisfied, the mechanic should keep the return receipt of the registered letter or the letter returned unopened.
  - (d) The return receipt and copy of the letter or the unopened returned letter from the lienholder should accompany the title application.
- (3) A police check must be made on the vehicle to be sold.
- (4) If the owner refuses to pay the unpaid charges on the vehicle, an advertisement must be placed in a newspaper of general circulation in the city of the seller's place of business.
- (a) The advertisement should be run at least fifteen (15) days before the vehicle is sold at public auction.
  - (b) The advertisement should contain at least the following:
    - (1) Description of the vehicle including make, type, and identification number.
    - (2) The amount of unpaid charges.
    - (3) The time, date, and place of sale.
    - (4) A sales certificate on the form designated by the commissioner must be completed by the seller.

(B) All of the foregoing information must be provided by the seller to the purchaser. Based upon this information, the purchaser may apply for a title in his name to the bureau of motor vehicles. (*Bureau of Motor Vehicles; (9-9-5-6)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 145; filed Sep 23, 1988, 8:30 a.m.: 12 IR 254; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

#### **140 IAC 6-1-20 Stop title orders; removal**

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 20. Procedures and Requirements to obtain a stop title order. (1) Definitions: (A) Stop title order: An administrative order based upon proper supporting evidence that will permanently or temporarily suspend the Bureau of Motor Vehicles processing or future processing of a title application and the subsequent issuance of a new certificate of title.

(B) Law enforcement: Any local, state or federal agency engaged in the enforcement of Indiana's laws.

(C) Bureau of Motor Vehicle branch: Any duly authorized branch location of the Indiana Bureau of Motor Vehicles.

(D) Attorney: Any person duly authorized to engage in the practice of law in the State of Indiana or any other state.

(2) Automatic Stop by Computer: A stop will automatically be placed upon the further processing of an application for any title determined to have already had a title issued as a result of a duplicate certificate of origin, a duplicate title, or duplicate motor vehicle identification number.

(3) Law Enforcement Request: A stop will be placed upon the further processing of a title application or title as a result of a written request by any local, state or federal law enforcement agency.

(A) The written request need only identify the requesting law enforcement agency or officer and give a brief reason for the stop title request.

(B) The stop title order requested by a law enforcement agency may only be removed by the requesting agency or officer, by court order or by the Commissioner within his discretion.

(4) Bureau of Motor Vehicle Branch Request: A stop will be placed upon a title application as a result of a request from a branch of the Bureau of Motor Vehicles.

(A) The stop title order will only be applicable to the original title application.

(B) Stop orders will not be placed upon titles which have already been issued.

(C) The stop title order requested by a branch of the Bureau of Motor Vehicles may only be removed by the requesting branch, by court order, or by the Commissioner within his discretion.

(5) Attorney Request: A stop will be placed upon the further processing of a title application or title upon the written request of any attorney.

(A) The written request must identify the attorney and give a brief summary of the facts behind the stop title request.

(B) Within twenty (20) days of the initial stop title request the requesting attorney must provide proof satisfactory to the Commissioner that the stop title order should be continued.

(C) Absent the foregoing proof substantiating the requesting attorney's stop title request, the Bureau of Motor Vehicles will after the expiration of the twenty (20) day period remove the stop title order.

(D) Any party adversely effected by a stop title order requested by an attorney may provide proof satisfactory to the Commissioner that the stop title order should not be continued. The Commissioner may, based upon this evidence, remove the stop title order.

(E) Individuals may not obtain a stop title order except through their attorney.

(6) Title Error: A stop title order may be placed upon processing of any title application or any title when it is discovered that an error has been made in the data necessary to insure a valid title. This stop title order will remain in effect until the error is corrected or until the Commissioner within his discretion removes the stop title order.

(7) Removal of Stop Title Order: At any time the Commissioner within his discretion may remove a stop title order as a result of an excessive time span, change in supporting circumstances or administrative need. (*Bureau of Motor Vehicles; Title Rule 20; filed Jan 14, 1980, 11:50 a.m.: 3 IR 159; errata, 3 IR 2252; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

## **ARTICLE 7. DRIVER'S LICENSE DIVISION**

### **Rule 1. Motorized Bicycles (Repealed)**

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

### **Rule 2. Motorcycle Operator Licensing Regulations**

#### **140 IAC 7-2-1 Definitions**

Authority: IC 9-14-2-2

Affected: IC 9-13-2-16; IC 9-13-2-109; IC 9-24-7; IC 9-24-8

Sec. 1. The words and phrases as used in this rule shall have the following meanings:

Bureau of motor vehicles or bureau means the bureau of motor vehicles of the state of Indiana as found in IC 9-13-2-16.

Commissioner means the commissioner of the bureau of motor vehicles of the state of Indiana.

Motorcycle means every motor vehicle having a saddle for the use of the rider, and designed to travel on not more than three (3) wheels in contact with the ground but excluding a motorized bicycle as defined in IC 9-13-2-109.

Motorcycle learner's permit means a permit issued by the bureau of motor vehicles enabling a person to operate a motorcycle on the streets and highways in the state of Indiana subject to the laws of the state and the specific restrictions contained in IC 9-24-7.

Motorcycle temporary learner's permit means a permit issued by the bureau of motor vehicles enabling a person to operate a motorcycle on the streets and highways in the state of Indiana while enrolled in an approved drivers education and training course subject to the laws of the state and the specific conditions and restrictions contained in IC 9-24-8.

Motorcycle license endorsement means an authorization placed on an existing operators, chauffeurs, or public passenger chauffeurs license indicating an authority to operate a motorcycle on the streets and highways in the state of Indiana.

Visual acuity test means the passing of a test with not less than 20/40 in either eye with or without glasses. (*Bureau of Motor Vehicles; 140 IAC 7-2-1; filed Apr 28, 1981, 9:35 a.m.: 4 IR 899; filed Nov 9, 1983, 3:40 p.m.: 7 IR 23; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-2-2 Motorcycle learner's permit**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 2. An applicant for a motorcycle learner's permit may apply at any license branch of the bureau of motor vehicles subject to the following:

- (1) the applicant must hold a valid Indiana operators, chauffeurs or public passenger chauffeurs license that is not suspended or revoked;
- (2) the applicant must pass a written test on the subject of motorcycle operation and safety; and
- (3) the applicant must pay the required state fee.

*(Bureau of Motor Vehicles; 140 IAC 7-2-2; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 24; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

**140 IAC 7-2-3 Motorcycle temporary learner's permit**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 3. An applicant may apply for a motorcycle temporary learner's permit at any license branch of the bureau of motor vehicles subject to the following:

- (1) the applicant must be fifteen (15) years of age or older;
- (2) the applicant must be enrolled in an approved motorcycle education and training course approved by the commissioner and taught under the supervision of a certified motorcycle instructor and present evidence of such enrollment to the license branch;
- (3) the applicant must pass a visual acuity test if he does not possess a valid operators, chauffeurs or public passenger chauffeurs license; and
- (4) the applicant must pay the required state fee.

*(Bureau of Motor Vehicles; 140 IAC 7-2-3; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 24; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

**140 IAC 7-2-4 Motorcycle license endorsement**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 4. Any person who holds any classification of an Indiana driver license, except a regular learner's permit, may apply for a motorcycle license endorsement at any of the license branches of the bureau of motor vehicles subject to the following:

- (1) the applicant must pass a written test if he has not previously taken and passed the test when obtaining a learner's permit;
- (2) the applicant must pass a motorcycle skills test and
- (3) the applicant must pay the required motorcycle license endorsement fee and the motorcycle skills test fee.

Any individual who has his operators, chauffeurs, or public passenger chauffeurs license suspended or revoked shall be ineligible to apply for a motorcycle license endorsement during the period of suspension or revocation. Any applicant who has held a valid motorcycle learner's permit for thirty (30) days or more, or who has a valid temporary motorcycle learner's permit and has passed a motorcycle driver education and training course, and has a valid Indiana operators, chauffeurs or public passenger chauffeurs license may be permitted to apply for a motorcycle license endorsement and take the required tests. *(Bureau of Motor Vehicles; 140 IAC 7-2-4; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

**140 IAC 7-2-5 Motorcycle written test**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 5. The written test offered for motorcycle license endorsement and the motorcycle learner's permit will be a common test designated as "motorcycle operators/learners test". Any person who passes the written test and obtains a learner's permit will not be required to again take the written test at the time of application for a motorcycle license endorsement. The written test will consist of twenty-five (25) questions, twenty-one (21) of which must be answered correctly. (*Bureau of Motor Vehicles; 140 IAC 7-2-5; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 920*)

**140 IAC 7-2-6 Motorcycle skills test**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 6. The bureau of motor vehicles will utilize motorcycle skills tests that will test the applicant's ability to operate a two (2) or three (3) wheeled motorcycle. Procedures and requirements for the motorcycle skills test are as follows:

(1) The skills test shall be administered by a person certified to be a motorcycle license examiner by the commissioner. No person who has been an instructor or owner of a school offering motorcycle instruction for a fee may administer a skills test to an applicant who completed such school or course in which the examiner was an instructor or owner.

(2) An applicant for a skills test must contact a bureau of motor vehicles license branch where such test will be scheduled as to place, time, and location.

(3) The test will contain maneuvers with a motorcycle involving stopping, turning, braking, riding through obstacles, and the testing of other areas of riding skills. The applicant must receive less than eleven (11) penalty points to successfully pass the skills test. If the applicant is assessed eleven (11) penalty points any time prior to the completion of the test, the examination attempt will be terminated.

(4) Any applicant who does not successfully pass the motorcycle skills test shall be eligible to take a second test on an equivalent type motorcycle on the same day or at a future date. Any person requesting a second test on the same day and at the same test site as the initial test shall be permitted, without paying an additional skills test fee, to take such test after all other scheduled applicants for that day have taken their initial test. Any person who fails the skills test for the third time must wait sixty (60) days prior to reapplying and taking the skills test.

(5) The skills test shall be taken utilizing a two (2) or three (3) wheeled motorcycle.

(6) All persons must wear a helmet when taking the skills test.

(7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include information to the effect that the applicant:

(A) understands the type of skills test to be given and believes to be qualified to take such test; and

(B) will hold the bureau of motor vehicles, the state, the owners of the test site, and the motorcycle examiner harmless for any injury sustained from any accident during the test that was caused by the applicant taking the test offered under reasonable conditions.

(*Bureau of Motor Vehicles; 140 IAC 7-2-6; filed Apr 28, 1981, 9:35 a.m.: 4 IR 901; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 920*)

**140 IAC 7-2-7 Operational skills test waiver (Repealed)**

Sec. 7. (*Repealed by Bureau of Motor Vehicles; filed Nov 9, 1983, 3:40 p.m.: 7 IR 27*)

**140 IAC 7-2-8 Motorcycle learner's permits; suspension or revocation (Repealed)**

Sec. 8. (*Repealed by Bureau of Motor Vehicles; filed Nov 9, 1983, 3:40 p.m.: 7 IR 27*)

**140 IAC 7-2-9 Fees for skills test**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8; IC 9-29

Sec. 9. An applicant for a motorcycle skills test shall pay the lawful fee to the certified motorcycle examiner at the time of taking the test. Fees paid to certified motorcycle examiners who are state employees shall be remitted to the bureau of motor vehicles by the examiner. Fees collected by a certified motorcycle examiner who is not a state employee shall be retained by such examiner for services rendered. (*Bureau of Motor Vehicles; 140 IAC 7-2-9; filed Apr 28, 1981, 9:35 a.m.: 4 IR 901; filed Nov 9, 1983, 3:40 p.m.: 7 IR 26; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-2-10 Certified motorcycle examiners; qualifications**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 10. Certified motorcycle examiners must meet the following qualifications:

- (1) be 21 years of age or older;
- (2) possess a valid Indiana operators, chauffeurs or public passenger chauffeurs license;
- (3) successfully complete a training course offered by the bureau of motor vehicles for certified motorcycle examiners; and
- (4) give a minimum of five (5) skills tests each year.

(*Bureau of Motor Vehicles; 140 IAC 7-2-10; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; filed Nov 9, 1983, 3:40 p.m.: 7 IR 26; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-2-11 Licensing of motorcycle training instructors**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8; IC 9-24-10

Sec. 11. Motorcycle training instructors, except those certified to teach motorcycle instruction by the superintendent of public instruction, shall be required to be licensed in accordance with the provisions of 140 IAC 4-1-13 pertaining to commercial driving schools and instructors. (*Bureau of Motor Vehicles; 140 IAC 7-2-11; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; filed Nov 9, 1983, 3:40 p.m.: 7 IR 26; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-2-12 Suspension or revocation of instructor license or examiner certification**

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8; IC 9-24-10

Sec. 12. The license of any motorcycle instructor or the certification of any certified motorcycle examiner may be suspended or revoked after due notice, and a hearing outlining the reasons for suspension or revocation that may include one or more of the following violations:

- (1) willful or repeated violation of any of the provisions of the law, rules or regulations of the bureau of motor vehicles dealing with motorcycle licensing;
- (2) committing any act which, in the opinion of the commissioner, constitutes unprofessional conduct, intemperance, or negligence in the performance of duties required and privileges conferred by licensure or certification;
- (3) practicing fraud, deceit, or misrepresentation in obtaining a license or certification; or
- (4) conducting fraudulent, misleading or deceptive advertising or promotion in regard to commercial motorcycle instruction programs.

Upon application for restoration of a license or certification that has been revoked or suspended for any reason under this rule, the commissioner, at his discretion, may reinstate the license or certification. (*Bureau of Motor Vehicles; 140 IAC 7-2-12; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; filed Nov 9, 1983, 3:40 p.m.: 7 IR 26; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**Rule 3. Commercial Driver's Licensing**

**140 IAC 7-3-1 Definitions**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-13-2; IC 9-24-6; IC 9-27-4

Sec. 1. (a) The words and phrases as used in this rule shall have the meaning given to them in this section unless the context clearly indicates a different meaning.

(b) "Bureau of motor vehicles" or "bureau" means the bureau of motor vehicles of the state of Indiana. Although the bureau of motor vehicles commission is a separate legal entity, for purposes of this rule it and its branches are incorporated in the definition of "bureau".

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

(d) "Commercial driver's license" or "CDL" means a license issued by the state to a person which authorizes that person to operate a class of commercial motor vehicles.

(e) "Commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property that:

(1) has a single or combined declared gross vehicle weight rating of twenty-six thousand one (26,001) pounds and greater;

(2) is designed to transport sixteen (16) or more passengers, including the operator; or

(3) transports hazardous materials and is required to be placarded by the United States Department of Transportation, 49 C.F.R. 172.

(f) "State" means any state, province, or commonwealth.

(g) "Commercial driver's license endorsement" means a specific authorization placed on a commercial driver's license by the bureau which enables a person to operate a specific type of commercial motor vehicle on the streets and highways in Indiana.

(h) "Visual acuity screening" means an eye screening given by the bureau to applicants for a commercial driver's license which must be passed in accordance with the standards utilized by the bureau for other types of driver's licenses.

(i) "Commercial driving school" is a driver training school licensed by the state of Indiana under IC 9-27-4 and 140 IAC 4-1.

(j) "Core knowledge exam" means a test designed to verify the applicant's knowledge in the operation of a commercial motor vehicle.

(k) "Commercial driver's license learner's permit" means a permit issued to a first time applicant for a commercial driver's license or CDL endorsement under section 5 of this rule.

(l) "Applicant" means any person requesting a commercial driver's license.

(m) "Application" means a form, supplied by the bureau, that must be completed by any applicant.

(n) "Grandfather clause" means a waiver of the skills test for any applicant who qualifies under section 20 of this rule.

(o) "Endorsement knowledge test" means a test designed to verify the applicant's knowledge in the operation of a specific type of commercial motor vehicle.

(p) "Skills test" means the pretrip, basic control, and road test administered by the bureau or a certified third party tester examiner to an applicant for a commercial driver's license.

(q) "Certified commercial driver's license skills test examiner" means a person who is certified by the bureau to administer a skills test to any applicant for a commercial driver's license.

(r) "Resident" means a person who is presently domiciled in Indiana with intent to permanently reside in this state.

(s) "Bus only" means a restriction on a commercial driver's license, limiting the holder to operation of a bus used in the transportation of passengers only, NOT cargo.

(t) "Cargo" means goods or materials transported for profit. (*Bureau of Motor Vehicles; 140 IAC 7-3-1; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1834, eff Jul 1, 1990; errata filed Sep 21, 1990, 3:30 p.m.: 14 IR 289; filed Nov 14, 1990, 1:30 p.m.: 14 IR 554; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-2 General**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 2. (a) No person who drives a commercial motor vehicle may hold more than one (1) driver's license.

(b) On or after April 1, 1992, no person may drive a commercial motor vehicle on the highways of this state unless the person holds a commercial driver's license.

(c) No person may be issued a commercial driver's license unless that person is a resident of this state, has not held more than one (1) operator's license in the previous two (2) years, and has passed a knowledge and skills test, unless the applicant meets the guidelines under section 20 of this rule, for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation.

(d) Any commercial driver's license will be subject to all Indiana statutes and Indiana administrative codes governing driver's license privileges. (*Bureau of Motor Vehicles; 140 IAC 7-3-2; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1835, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 555; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

#### **140 IAC 7-3-3 Applicant**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 3. An applicant for a commercial driver's license may apply at any license branch of the bureau subject to the following:

(1) For the transportation of property, the applicant must be eighteen (18) years of age and have at least one (1) year of driving experience as a licensed driver to apply for a commercial driver's license.

(2) To apply for a commercial driver's license to transport passengers in vehicles designed to carry sixteen (16) or more passengers including the operator, the applicant must be twenty-one (21) years of age and have at least one (1) year of driving experience as a licensed driver.

(3) On or after April 1, 1992, the applicant must hold a valid commercial driver's license learner's permit.

(4) The applicant must pass a visual acuity screening given by the bureau.

(5) The applicant must pass a core examination and skills test.

(6) The applicant must pass a knowledge and skills test for specific commercial driver's license endorsements.

(7) The applicant must pass a physical examination prior to applying for an initial commercial driver's license and every two (2) years thereafter. In fulfilling this requirement, the applicant must meet the guidelines outlined in section 6 of this rule. Proof of passage of the physical examination within two (2) years prior to application must be presented to the bureau at the time of any application for a commercial driver's license or endorsement.

(8) The applicant must pay the required fees as outlined in section 15 of this rule.

(9) The applicant must not have his license suspended, revoked, canceled, or invalidated in Indiana or any other state at the time of application.

(10) The applicant must surrender all licenses in his possession, issued by the state of Indiana or any other state, at the time of application.

(11) The applicant shall be issued his commercial driver's license subject to any restrictions on his driving privileges at the time of application.

(*Bureau of Motor Vehicles; 140 IAC 7-3-3; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1835, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 555; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

#### **140 IAC 7-3-4 Application**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 4. (a) The application for a commercial driver's license or commercial driver's license learner's permit must include the following:

(1) The full name and current residential address of the applicant.

(2) A physical description of the person including sex, height, weight, eye color, and hair color.

(3) Date of birth.

(4) The applicant's Social Security number.

(5) The applicant's signature.

(6) Any other information deemed necessary by the bureau.

(b) When the holder of a commercial driver's license changes his or her name or residential address, an application for an amended commercial driver's license must be made to the bureau.

(c) No person who has been a resident of this state for more than thirty (30) days may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another state.

(d) Any person who knowingly falsifies information or certifications required under subsection (a) is subject to the suspension or cancellation of his or her commercial driver's license for a period to be determined by the bureau. (*Bureau of Motor Vehicles; 140 IAC 7-3-4; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 555; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-5 Learner's permit**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 5. (a) Any person who is a resident of Indiana may apply for a commercial driver's license learner's permit. The applicant must:

- (1) be at least eighteen (18) years of age;
- (2) hold a valid Indiana operator's license;
- (3) meet all visual and physical examination requirements; and
- (4) pass all required knowledge tests.

(b) A valid commercial driver's license learner's permit:

- (1) shall not be valid for a period to exceed six (6) months; and
- (2) will allow the holder, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by the holder of a valid commercial driver's license for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(*Bureau of Motor Vehicles; 140 IAC 7-3-5; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921*)

**140 IAC 7-3-6 Physical examination requirements**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 6. Every applicant or holder of a commercial driver's license must pass a physical examination described as follows:

- (1) For interstate operation, a physical examination as described by the United States Department of Transportation, 49 C.F.R. 391.43.
- (2) For intrastate operation, a physical examination as prescribed by the bureau.

(*Bureau of Motor Vehicles; 140 IAC 7-3-6; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-7 Description**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 7. (a) The commercial driver's license shall contain the following information:

- (1) The applicant's full name and current residential address.
- (2) The applicant's photograph.
- (3) Date of birth.
- (4) General physical description: height, weight, and sex.
- (5) License number.
- (6) Date of expiration.
- (7) License classification, endorsements, and/or restrictions utilizing appropriate letters or numerals.
- (8) Format that distinguishes the commercial driver's licenses issued by the bureau.
- (9) Social Security number.

(10) The applicant's signature.

(11) Any additional information deemed necessary by the bureau.

(b) A commercial driver's license issued on or after April 1, 1992, shall expire the last day of the applicant's birth month four (4) years after its issuance. (*Bureau of Motor Vehicles; 140 IAC 7-3-7; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

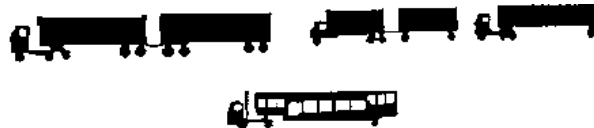
**140 IAC 7-3-8 Classes**

Authority: IC 9-14-2-2; IC 9-24-6-2

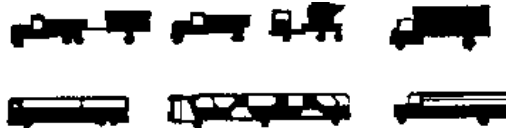
Affected: IC 9-24-6

Sec. 8. The following classes of commercial driver's licenses are established in accordance with the standards of the United States Department of Transportation, 40 C.F.R. 386.91:

(1) Class A: To permit the operation of any combination of vehicles with a declared gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more provided that the declared gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds. This class license holder may, with any appropriate endorsements, operate all vehicles within Class B and Class C. Examples include but are not limited to:



(2) Class B: To permit the operation of any single vehicle with a declared gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds declared gross vehicle weight rating. This class license holder may, with any appropriate endorsements, operate all vehicles within Class C. Examples include but are not limited to:



(3) Class C: To permit the operation of any single vehicle less than twenty-six thousand one (26,001) pounds declared gross vehicle weight rating, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds declared gross vehicle weight rating. This class applies to vehicles which are placarded for hazardous materials or designed to transport sixteen (16) or more persons including the operator. Examples include but are not limited to:



(*Bureau of Motor Vehicles; 140 IAC 7-3-8; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-9 Core knowledge examination**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 9. (a) The commissioner shall adopt a core knowledge examination that, upon passage, determines that the applicant has the knowledge to operate a commercial motor vehicle on the streets and highways of Indiana.

(b) The applicant must pass a core knowledge examination which shall contain not more than fifty (50) questions nor less than thirty (30) questions. The applicant must correctly answer eighty percent (80%) of the questions.

(c) If the applicant fails the core knowledge examination, the applicant may take as many additional examinations as desired, but only one (1) examination may be taken in any twenty-four (24) hour period.

(d) The test results of a passed core knowledge examination shall be valid for a period of one (1) year from the date of the examination. Core knowledge examination test results over one (1) year old will not be considered. (*Bureau of Motor Vehicles; 140 IAC 7-3-9; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921*)

**140 IAC 7-3-10 Endorsements knowledge test**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 10. (a) Any person who is a resident of the state of Indiana, and who holds a valid commercial driver's license issued by Indiana, may apply for a commercial driver's license endorsement subject to the following:

(1) The applicant must pass the applicable knowledge and skills test required for a specific class of license and any endorsements.

(2) The applicant must pay the required fees as outlined in section 15 of this rule.

(b) All endorsements expire when the commercial driver's license expires.

(c) Any person who has his or her driving privileges suspended or revoked in Indiana or any other state shall be ineligible to apply for a commercial driver's license endorsement during the period of suspension or revocation.

(d) The hazardous materials endorsement knowledge test must be taken upon application for renewal of the commercial driver's license.

(e) If the applicant does not pass the air brake endorsement knowledge test, he or she shall not operate a vehicle that is equipped with air brakes.

(f) Any and all commercial driver's license endorsement tests passed, as required under this section, shall be valid for a period of one (1) year from the date of the passed test. Test results over one (1) year old will not be considered. (*Bureau of Motor Vehicles; 140 IAC 7-3-10; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921*)

**140 IAC 7-3-11 Skills test**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 11. Skills test as adopted by the bureau will be used to determine the applicant's ability to operate a commercial motor vehicle of the appropriate class. Procedures and requirements for the commercial driver's license skills test are as follows:

(1) The skills test shall be administered by a person certified by the bureau.

(2) The location of the skills test site shall be determined by the bureau.

(3) The applicant, in order to pass the skills test, must successfully display an ability to operate the motor vehicle for which the skills test is being given.

(4) The applicant for each skills test must pay the fee as outlined in section 15 of this rule.

(5) The skills test is not required to be taken at the time of renewal of a commercial driver's license unless the person desires to change to a higher classification of commercial driver's license, or to remove an air brake, or bus only restriction.

(6) Every applicant, prior to taking the skills test, will be required to have successfully passed the core knowledge test.

(7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include, but

is not limited to, the following:

- (A) The applicant understands the type of skills test to be given and believes to be qualified to take this test.
- (B) The applicant will hold the bureau and the state harmless for any injury sustained from any accident during the test that was caused by the applicant.
- (8) An applicant shall pay the fee for the skills test to the commercial driving school.
- (9) Any person who fails the initial skills test shall not be eligible to take a second test within twenty-four (24) hours.
- (10) The results of a passed skills test shall be valid for a period of one (1) year from the date of the passed skills test. Skills test results over one (1) year old will not be considered.

*(Bureau of Motor Vehicles; 140 IAC 7-3-11; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922)*

**140 IAC 7-3-12 Commercial driving schools approved**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6; IC 9-27-4

Sec. 12. All commercial driving schools shall qualify under IC 9-27-4 and 140 IAC 4-1. *(Bureau of Motor Vehicles; 140 IAC 7-3-12; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

**140 IAC 7-3-13 Certified skills test examiner; qualifications**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 13. Certified commercial driver's license examiners must meet the following qualifications:

- (1) Be twenty-one (21) years of age or older.
- (2) Possess a valid commercial driver's license, with a Class A classification and an endorsement for all of the skill tests that he or she will be certifying.
- (3) Have successfully completed a training course approved by the bureau.

*(Bureau of Motor Vehicles; 140 IAC 7-3-13; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922)*

**140 IAC 7-3-14 Examiners; suspension and revocation of certification**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 14. (a) The certification of any commercial driver's license skills test examiner may be suspended or revoked by the bureau, for a period not to exceed one (1) year, after due notice and a hearing for any of the following violations:

- (1) Willful or repeated violations of the laws, rules, or regulations dealing with driver's licensing.
- (2) Conduct in training or testing applicants which is unprofessional, intemperate, or negligent.
- (3) Fraud, deceit, or misrepresentation in application for certification.
- (4) Fraudulent, misleading, or deceptive statements in advertising, or promotion of a commercial driving school.

(b) After the expiration of the revocation or suspension period, an examiner whose certification has been revoked or suspended may apply for reinstatement, and the bureau may reinstate within its discretion. *(Bureau of Motor Vehicles; 140 IAC 7-3-14; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

**140 IAC 7-3-15 Fees**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6; IC 9-29-3

Sec. 15. (a) The bureau shall collect the following commercial driver's licensing fees:

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BUREAU OF MOTOR VEHICLES

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- |                                                                                                                                                                                |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| (1) Four (4) year commercial driver's license:                                                                                                                                 | \$25                |
| (2) Addition of a commercial driver's license endorsement, or removal of a CDL restriction, other than at the time of application:                                             | \$15                |
| (3) Commercial driver's license learner's permit:                                                                                                                              | \$10                |
| (4) Amendment to a commercial driver's license learner's permit, including the addition or removal of a CDL endorsement or restriction, other than at the time of application: | \$5                 |
| (5) Commercial driver's license skills test, to be set by the tester:                                                                                                          | Not to exceed \$100 |

(b) Under IC 9-29-3, the bureau shall withhold from each CDL issued a service charge of ten dollars (\$10), and from endorsements not issued at the time of license application the sum of five dollars (\$5), to be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 7-3-15; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; filed Mar 26, 1996, 11:35 a.m.: 19 IR 1750; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-16 Exemptions**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6-1

Sec. 16. The provisions of this rule do not apply to the following:

- (1) Noncivilian members of the armed forces or National Guard while operating military vehicles.
- (2) Civilians who are required to wear military uniforms and are subject to the code of military justice.
- (3) Paid or volunteer firefighters while operating firefighting equipment.
- (4) Persons who operate farm vehicles which are:
  - (A) controlled and operated by a person actively engaged in farming;
  - (B) used to transport agricultural products, farm machinery, or farm supplies to and from a farm;
  - (C) not used as common or contract motor carriers; and
  - (D) used within one hundred fifty (150) miles of the person's farm.
- (5) Persons who operate vehicles which are:
  - (A) registered as a recreational vehicle; and
  - (B) used primarily to transport the owner's family members or guests and their possessions for nonbusiness purposes.

(*Bureau of Motor Vehicles; 140 IAC 7-3-16; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556; filed Apr 15, 1991, 11:40 a.m.: 14 IR 1711; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-17 Renewal**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 17. (a) The holder of a commercial driver's license may make application to the bureau for renewal of his or her commercial driver's license no more than six (6) months prior to the expiration of his or her current license if:

- (1) his or her current commercial driver's license has not been suspended, disqualified, canceled, revoked, or invalidated; and
- (2) he or she has passed all required visual and physical examinations.

(b) Except as outlined in subsections (c) through (d), the core knowledge test, endorsement knowledge test, and skills test will not be required for renewal of a commercial driver's license.

(c) The hazardous materials endorsement knowledge test must be passed every four (4) years.

(d) If the commercial driver's license has been expired, disqualified, canceled, revoked, or invalidated for more than one (1) year, the holder must pass all knowledge and skills exams prior to issuance. (*Bureau of Motor Vehicles; 140 IAC 7-3-17; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922*)

**140 IAC 7-3-18 Reciprocity**

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6; IC 9-28-1

Sec. 18. The commissioner may issue a commercial driver's license to any person who holds a valid commercial driver's license of the same class from another state without requiring the person to take knowledge examinations or skills tests, except for the hazardous materials endorsement which requires a test at the time of any application. (*Bureau of Motor Vehicles; 140 IAC 7-3-18; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-19 Administrative hearings**

Authority: IC 9-14-2-2; IC 9-24-6-2  
Affected: IC 4-21.5-5-1; IC 9-24-6

Sec. 19. All administrative hearings shall be conducted in accordance with the provisions of IC 4-21.5-5-1. (*Bureau of Motor Vehicles; 140 IAC 7-3-19; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1840, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**140 IAC 7-3-20 Grandfather clause**

Authority: IC 9-14-2-2; IC 9-24-6-2  
Affected: IC 9-24-6

Sec. 20. (a) Any person who applies for a commercial driver's license before April 1, 1992, and who holds a valid operator's license shall at the time of application, subject to the limitations of subsection (b), be exempt from taking any skills test; however, a physical examination and all knowledge examinations are required.

(b) At the time of the application, the person must certify the following:

- (1) That he has a good driving record and has not had his driving privileges suspended in the past two (2) years.
- (2) That he has not held more than one (1) license except that a person may have more than one (1) driver's license if a state law enacted before June 1, 1986, required the person to have more than one (1) driver's license. After December 31, 1989, this exception shall not apply.
- (3) That he has at least two (2) years of recent driving experience in a vehicle that is representative of the group of vehicles for which he wishes to obtain a commercial driver's license.
- (4) That he is regularly employed in a job requiring the operation of a commercial motor vehicle.
- (5) That he has no record of any accident in which he was at fault in the last two (2) years.

(*Bureau of Motor Vehicles; 140 IAC 7-3-20; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1840, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 557; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

**ARTICLE 8. LICENSE BRANCHES**

**Rule 1. Personnel Policies**

**140 IAC 8-1-1 Purpose**

Authority: IC 9-14-2-2  
Affected: IC 9-16-4

Sec. 1. It is the purpose of this policy statement to define the basic expectations of the commission as they relate to the administration of the personnel policies and practices of the license branches operating under the commission's authority. (*Bureau of Motor Vehicles; 140 IAC 8-1-1; filed Mar 26, 1987, 11:15 a.m.: 10 IR 1558; readopted filed Aug 22, 2001, 10:50 a.m.: 25 IR 202*)

**140 IAC 8-1-2 Intent**

Authority: IC 9-14-2-2  
Affected: IC 9-16-4

Sec. 2. (a) Service. It is the intent of the commission that all employees and management of the commission understand and

agree that they are part of an organization whose purpose is the accurate, efficient, and courteous provision of a necessary and important service to the citizens of the state of Indiana.

(b) Equal Employment Opportunity. It is the commission's intent to comply with all applicable statutes, regulations or executive orders in the area of equal employment opportunity and actively to promote an employment environment within the commission that assures all persons the opportunity to succeed on their own merits without regard to race, color, religion, creed, national origin, age, sex, or occupationally unrelated physical handicap.

(c) Employee Handbook. It is the intent of the commission to provide all commission employees with an employee handbook containing the commission's personnel policies and procedures. This is done to insure standard operating procedures; consistent and impartial treatment of employees; and the continuance of responsible and legitimate management prerogative and control. These policies and procedures will apply to all license branch employees and management. It is the responsibility of management to administer these policies and procedures in a consistent and impartial manner. (*Bureau of Motor Vehicles; 140 IAC 8-1-2; filed Mar 26, 1987, 11:15 a.m.: 10 IR 1558; readopted filed Aug 22, 2001, 10:50 a.m.: 25 IR 202*)

#### **140 IAC 8-1-3 Policies**

Authority: IC 9-14-2-2

Affected: IC 9-16-4

Sec. 3. (a) The commissioner of the bureau of motor vehicles (commissioner), with the approval of the commission, shall hire all other commission management employees, who shall serve at the pleasure of the commissioner and the commission.

(b) General branch hiring policy shall be as follows:

(1) All branch hiring requests must be approved by the commissioner prior to initiation of the hiring procedure, and overall branch staffing authorizations must be approved by the commission.

(2) All applicants must complete employment applications on forms approved by the commission.

(3) Applicants and their applications shall be evaluated by branch management to determine whether applicants satisfactorily meet the requirements of a particular job classification. This evaluation will be made on factors such as:

(A) past work experience;

(B) education;

(C) previous work history;

(D) job skills;

(E) the applicant's personality and appearance; and

(F) the applicant's career goals.

(4) The appropriate manager will select the candidate he or she believes to be best suited for a vacant position. This selection shall be made in accordance with policies and procedures that have been approved by the commission and upon the best judgment of the manager as to the candidate's suitability for service to the public in license branch operations.

(c) Branch managers shall, in all appropriate circumstances, consider current branch employees for vacancies within branch employment. If a branch manager determines that a suitable candidate is not available within existing branch employees, a new employee may be selected from duly qualified applicants.

(d) The commission has approved the following four (4) major classifications of employment, the terms and conditions of which shall be described in the employee handbook:

(1) Probationary employees.

(2) Temporary employees.

(3) Part-time employees.

(4) Full-time employees.

(e) The operating hours of each local branch shall be determined by the commissioner, with the approval of the commission, on the basis of the particular needs of the community served by the local branch.

(f) Nonexempt commission employees shall be paid for overtime hours worked as required by applicable statutes and regulations. Procedures for scheduling and compensating overtime will be defined by the commissioner, and the commissioner may approve branch requests for overtime use prior to its implementation.

(g) In the employee handbook, the commissioner shall set forth the commission's approved policies, procedures, and rules which cover such employment benefits as vacation, holidays, and sick leave and such other matters as absenteeism, employee

misconduct, and disciplinary procedures.

(h) The commissioner shall issue uniform position descriptions for the various positions at each branch, which descriptions shall be approved by the commission before they are instituted. It is understood that the descriptions do not preclude the use of cross-training and, further, that certain positions may be combined by branch managers, upon the recommendation of the commissioner and the approval of the commission, to facilitate the economic delivery of branch services to the public.

(i) Managers shall provide each employee with a copy of the employee handbook and position description and explain them to each employee at the time of hire.

(j) Performance review requirements shall be as follows:

(1) A six (6) month employee performance review shall be conducted for all commission employees by their respective supervisors. This employee performance review shall be conducted according to procedures approved by the commission. It shall be:

(A) initiated six (6) months after the employee's date of hire with the commission;

(B) conducted on forms approved by the commission;

(C) signed by both the supervisor and the employee; and

(D) retained with the employee's permanent personnel file, which shall be maintained by the commission.

(2) An employee performance review may also be conducted at any time appropriate to the proper administration of the policies and procedures of the commission.

(k) The commissioner shall develop a procedure for the prompt and consistent resolution of employee complaints. This procedure shall be subject to the approval of the commission and shall utilize verbal resolution at the branch with the opportunity to submit a written appeal to a designated deputy commissioner and ultimately the commissioner for final disposition.

(l) The procedures contained in the employee handbook are subject to periodic modification and development by the commission. As additions, deletions, or changes are made, appropriate memoranda shall be issued and distributed. (*Bureau of Motor Vehicles; 140 IAC 8-1-3; filed Mar 26, 1987, 11:15 a.m.: 10 IR 1558; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 923, eff Jan 1, 2002*)

## **Rule 2. Procurement**

### **140 IAC 8-2-1 Purpose**

Authority: IC 9-14-2-2

Affected: IC 9-16-2-5

Sec. 1. (a) It is the purpose of this procurement system to define and outline the basic expectations of the bureau of motor vehicles commission (commission) as they relate to the procurement of equipment, materials, goods, and services required for the operation of license branches operating under the commission's authority.

(b) The procurement system shall establish the methodology to regulate the procurement of equipment, materials, goods, and services, or leases of equipment, required for the operation of license branches operating under the commission's authority. (*Bureau of Motor Vehicles; 140 IAC 8-2-1; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 924, eff Jan 1, 2002*)

### **140 IAC 8-2-2 Policy**

Authority: IC 9-14-2-2

Affected: IC 9-16-2

Sec. 2. (a) This procurement system shall have as its goal the speedy and efficient administration of procurement decisions, while at the same time providing an atmosphere of fairness for participants.

(b) This procurement system shall not alter the existing statutory system for the lease or purchase of license branch facilities as outlined in IC 9-16-2.

(c) This procurement system shall not alter the existing method for procuring equipment and supplies under any previously established special dispersing officer (S.D.O.) accounts system.

(d) This procurement system shall not alter any previously established system for procuring equipment, materials, goods, and

services from any other board, commission, division, department, bureau, or other state or federal entity.

(e) In the case of fire, flood, windstorm, casualty, or other extraordinary emergency, including mechanical failure of any part of a building or structure, and where the health, safety, or welfare of the public or the necessary license branch or commission operations are endangered by such loss or damage, the commission may, upon a declaration of emergency recorded in its minutes, proceed to procure equipment, materials, goods, or services, or leases of equipment without advertising for bids provided that, in such an emergency and subject to the applicability provisions outlined herein, bids shall be invited from at least three (3) or more persons, firms, or corporations known to deal in the equipment, materials, goods, or services to be procured or equipment to be leased, and the minutes of the commission shall show the names of those persons, firms, or corporations invited to bid. (*Bureau of Motor Vehicles; 140 IAC 8-2-2; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 924, eff Jan 1, 2002*)

**140 IAC 8-2-3 Procedural requirements for the procurement of equipment, materials, goods, and services; applicability**

Authority: IC 9-14-2-2

Affected: IC 9-16-2

Sec. 3. (a) The commission, or its duly authorized procurement agent, hereinafter referred to collectively as purchaser, shall comply with the procedural requirements of this procurement system whenever the total amount of any procurement of equipment, materials, goods, or services exceeds seventy-five thousand dollars (\$75,000), or the total annual rental payment under any equipment lease exceeds twenty-five thousand dollars (\$25,000). This procurement system applies to leases of equipment whether or not title passes from the lessor to the lessee. As used in this procurement system, "purchaser" includes persons who make leases for equipment. This procurement system does not apply to current utility bills.

(b) In all cases of procurement of equipment, materials, goods, or services where the total amount of any such procurement does not exceed the sum of seventy-five thousand dollars (\$75,000) and in all cases of the lease of equipment where the annual rental payment does not exceed twenty-five thousand dollars (\$25,000), the purchaser may procure or lease in the open market without the giving of notice, the receiving of bids, or any other formalities.

(c) All procurement of similar equipment, materials, goods, or services by the purchaser from a person during a six (6) month period under subsection (b) may not exceed seventy-five thousand dollars (\$75,000), and the total annual rental payments to a person under all leases for equipment under subsection (b) may not exceed twenty-five thousand dollars (\$25,000). (*Bureau of Motor Vehicles; 140 IAC 8-2-3; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 925, eff Jan 1, 2002*)

**140 IAC 8-2-4 Procurement of equipment, materials, goods, and services or the lease of equipment; procedural requirements**

Authority: IC 9-14-2-2

Affected: IC 9-16-2-5

Sec. 4. (a) The procedural requirements for the procurement of equipment, materials, goods, and services or the lease of equipment shall include the giving of notice and competitive sealed bidding.

(b) The manner of giving notice shall be as follows:

(1) Whenever public notice is required, the notice shall be given in the manner prescribed by this section.

(2) The commission chairman will determine the minimum number of notices to be given by publication according to the following schedule:

(A) If the ultimate expenditure involved in a procurement of equipment, materials, goods, and services is estimated by the commission chairman to exceed seventy-five thousand dollars (\$75,000), or the total annual rental payment under any equipment lease is estimated by the commission chairman to exceed twenty-five thousand dollars (\$25,000), a notice will be published at least once.

(B) If the ultimate expenditure involved in a procurement of equipment, materials, goods, and services is estimated by the commission chairman to be less than seventy-five thousand dollars (\$75,000), or the total annual rental payment under any equipment lease is estimated by the commission chairman to be less than twenty-five thousand dollars (\$25,000), a publication of notice is not required.

- (C) The commission chairman may provide for the publication of additional notices, even if no publication is required by this subsection.
- (3) Whenever publication of notice is required by this section, the notice will be published in one (1) newspaper of general circulation in Marion County, Indiana.
- (A) If the procurement of equipment, materials, goods, or services, or the lease of equipment is for more than one (1) license branch facility geographically located outside Marion County, Indiana, the notice may also be published in one (1) or more newspapers of general circulation in a county in which equipment, materials, goods, or services, or the lease of equipment is to be used.
- (B) If the procurement of equipment, materials, goods, or services, or the lease of equipment is for a single license branch facility geographically located outside Marion County, Indiana, or the procurement of equipment, materials, goods, or services, or the lease of equipment is for multiple license branch facilities located in a single county other than Marion County, Indiana, the notice shall also be published in one (1) newspaper of general circulation in the county in which the equipment, materials, goods, or services, or the lease of equipment is to be used.
- (C) The commission chairman may designate additional newspapers for the publication of notice according to the nature of the procurement.
- (4) In addition to the publication requirements of this section, the commission chairman will also give notice in the following manner whenever the ultimate expenditure involved in a procurement of equipment, materials, goods, or services is estimated by the commission chairman to exceed seventy-five thousand dollars (\$75,000), or the total annual rental payments under any equipment lease is estimated by the commission chairman to exceed twenty-five thousand dollars (\$25,000):
- (A) The commission chairman will send notices, invitations to bid, requests for offers, or requests for proposals by mail to prospective bidders or offerors known to him.
- (B) The commission chairman may post notices on a bulletin board in the commission's office.
- (5) The commission chairman will schedule all notices given under this section so as to provide a reasonable amount of time for operation and submission of responses after notification. The period between:
- (A) the last publication, mailing, or posting of notices; and
- (B) the final date set for submitting bids, offers, or proposals;
- may not be less than seven (7) calendar days. Notwithstanding clauses (A) through (B), the commission chairman, with the telephonic or written approval of the site-selection subcommittee, may, based upon the exigencies of the situation and the need to maintain uninterrupted high quality license branch service, decrease the time for preparation and submission of responses after notification to three (3) days.
- (c) The competitive sealed bidding process shall be as follows:
- (1) The following procedure will be followed by the commission in awarding contracts by competitive sealed bidding:
- (A) An invitation for bids shall be issued and must include the following:
- (i) A purchase description.
  - (ii) All contractual terms and conditions applicable to the procurement.
  - (iii) A statement of the evaluation criteria to be used, including criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.
  - (iv) The terms and place for the opening of bids.
  - (v) A statement concerning whether the bid must be accompanied by a certified check or other evidence of financial responsibility.
  - (vi) A statement concerning the conditions under which a bid proposal may be cancelled or rejected in whole or in part as specified in this procurement system.
  - (vii) A statement that any person entering into a contract for equipment, materials, goods, and services, or the lease of equipment will be required to sign a noncollusion affidavit provided by the commission.
- (B) Public notice shall be given in the manner required by subsection (b).
- (C) Bids will be opened publicly in a public meeting of the commission as designated in the invitation for bids. At the time the bids are opened, the commission chairman or his designee will sign each bid.
- (D) Bids will be:
- (i) unconditionally accepted without alteration or correction, except as provided in subdivision (3); and
  - (ii) evaluated based on the requirements set forth in the invitation for bids.

(E) A contract will be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids as analyzed by the commission members.

(2) The following information will be subject to public inspection after the contract award:

(A) The invitation for bids.

(B) A list of all vendors who were sent the invitation for bids.

(C) The name and address of each bidder.

(D) The amount of each bid.

(E) A record showing the name of the successful bidder, the dollar amount of the bid, and the basis on which the award was made.

(F) The entire contents of the contract file, except for proprietary information, that may have been included with a bid such as:

(i) trade secrets;

(ii) manufacturing process;

(iii) financial information not otherwise publicly available; or

(iv) other data that does not bear on the competitive goals of public procurement, which was not required by the terms of the invitation for bids itself to be made available for public inspection.

A bidder will identify information that the bidder proposes to remain confidential and bind it separately from the remainder of the bid. Requests for public disclosure of information that a bidder has identified as proprietary will be made to the commission chairman in writing. The commission chairman will examine the information to determine the validity of the bidder's request for confidentiality and will inform the bidder of the decision, which decision will become a part of the contract file.

(3) Withdrawal of a bid will be permitted before the exact date and hour for submission of bids, either by an agent of the bidder bearing proper authorization and identification who will receive and sign for the unopened bid packet, or by the timely receipt of a certified letter or telegram from the bidder. A bid already submitted may be modified by withdrawal of the bid as provided above and by a resubmission of the modified bid in compliance with the original bidding procedures. Neither the staff nor the facilities of the commission will be available to a bidder desiring to make modifications. The commission chairman has the authority to cancel awards or contracts based on bid mistakes when he determines that such action is in the best interest of the commission. Such action may be supported by a written determination made by the commission chairman. This subdivision will also apply to competitive sealed proposals.

(4) At the discretion of the commission chairman, bidders may be required to submit, with their bid, a bid guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. If such is required, the amount of the bid guarantee will be specified in the invitation to bid. Bid guarantees will be returned to bidders, upon request, at the successful completion of the contract. At the discretion of the commission chairman, a successful bidder may be required to submit, after the award has been made, a performance guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. If such is required, the amount of the performance guarantee and the time that it must be submitted will be specified in the invitation to bid. Performance guarantees will be returned, upon request, at the successful completion of the contract. A successful bidder shall be required to submit a noncollusion affidavit provided by the commission.

(d) The process for competitive sealed proposals shall be as follows:

(1) When the commission chairman makes a written determination that the use of competitive sealed bidding is either not practicable or not advantageous to the state or commission, the commission may award a contract using the following procedure instead of competitive sealed bidding as provided by subsection (c):

(A) Proposals will be solicited through a request for proposals, which must include the following:

(i) The factors or criteria that will be used in evaluating the proposals.

(ii) A statement concerning the relative importance of price and the other evaluation factors.

(iii) A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility.

(iv) A statement concerning whether discussions may be conducted with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification

to assure full understanding of, and responsiveness to, the solicitation requirements.

(B) Public notice will be given in the same manner as required by subsection (b).

(C) Proposals will be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.

(D) A register of proposals will be prepared and must be opened for public inspection after contract award. The register of proposals must contain the following:

(i) The request for proposals.

(ii) A list of all vendors who were sent the request for proposals.

(iii) The name and address of each offeror.

(iv) The amount of each offer.

(v) A record showing the name of the successful offeror, the dollar amount of the offer, and the basis on which the award was made.

(vi) The entire contents of the contract file, except for proprietary information, that may have been included with an offer such as:

(AA) trade secrets;

(BB) manufacturing processes;

(CC) financial information not otherwise publicly available; or

(DD) other data that does not bear on the competitive goals of public procurement that was not required by the terms of the request for proposals itself to be made available for public inspection.

An offeror will identify information that the offeror proposes to remain confidential and bind it separately from the remainder of his or her offer.

Requests for public disclosure of information that an offeror has identified as proprietary will be made to the commission chairman in writing. The commission chairman will examine the information to determine the validity of the offeror's request for confidentiality and will inform the offeror of the decision, which decision will become a part of the contract file. After opening, but prior to the contract award, the request for proposals, a list of all vendors who received the request for proposal, and the name and address of each offeror will be subject to public inspection.

(E) As provided in the request for proposals, discussions may be conducted with responsible and responsive offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.

(F) No discussions will be held with an offeror whose proposal fails to meet a mandatory requirement of the request for proposals.

(G) Discussions will be held to:

(i) promote understanding of the commission's requirements and the offeror's proposals; and

(ii) facilitate arriving at a contract that will be most advantageous to the commission taking into consideration price and other evaluation factors set forth in the request for proposals.

In conducting discussions, there must be no disclosure of any information derived from proposals submitted by competing offerors. The only factors or criteria that may be used in the evaluation of proposals are those specified in the request for proposals. The requirements of the commission as outlined in the request for proposal will not be altered.

(H) After identification of the responsible and responsive offeror whose proposal appears to be the most advantageous to the commission, the commission will enter into contract preparation activities with the offeror. If at any time the contract preparation activities are judged to be ineffective, the commission may cease all activities with the offeror and begin contract preparation activities with the next highest ranking offeror. This process may continue until a completed contract is executed. The commission reserves the right to cease all contract preparation activities at any time and to reject all proposals if such action is determined by the commission chairman to be in the best interest of the commission.

(I) Award will be made to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the commission taking into consideration price and the other evaluation factors set forth in the request for proposals.

(2) At the discretion of the commission chairman, offerors may be required to submit, with their proposal, a proposal

guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. If such is required, the amount of the proposal guarantee will be specified in the request for proposals. Proposal guarantees will be returned to offerors, upon request, after the execution of the contract. At the discretion of the commission chairman, a successful offeror may be required to submit, after the award has been made, a performance guarantee in the form of a certified check or a bond acquired from a surety company authorized to do business in the state. If such is required, the amount of the performance guarantee and the time that it must be submitted will be specified in the request for proposal. Performance guarantees will be returned, upon request, at the successful completion of the contract.

(e) The process for cancellation or rejection of solicitations shall be as follows:

(1) Prior to opening, a solicitation (a solicitation of bids or a request for proposals) may be cancelled in whole or in part when the commission chairman determines in writing that such action is in the best interest of the commission for reasons, including, but not limited to, the following:

(A) The commission no longer requires the procurement of equipment, materials, goods, or services, or the lease of equipment.

(B) The commission no longer can reasonably expect to fund the procurement.

(C) Proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable.

(2) When a solicitation is cancelled prior to opening, notice of cancellation will be sent to all businesses that submitted a bid or proposal. The notice of cancellation will:

(A) identify the solicitation; and

(B) cite the reason for cancellation.

The reason for cancellation will be made part of the procurement file and will be available for public inspection.

(3) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the commission determines, in writing, that such action is in the commission's best interest for reasons, including, but not limited to, the following:

(A) The procurement of equipment, materials, goods, or services, or the lease of equipment is no longer required.

(B) Ambiguous or otherwise inadequate specifications were part of the solicitation.

(C) Prices exceed available funds, and it would not be appropriate to adjust quantities to come within available funds.

(D) All otherwise acceptable bids or proposals received are at clearly unreasonable prices.

(E) There is reason to believe that the bids or proposals:

(i) may not have been independently arrived at in open competition;

(ii) may have been collusive; or

(iii) may have been submitted in bad faith.

(4) When a solicitation is cancelled after opening but prior to award, a notice or rejection will be sent to all businesses that submitted a bid or proposal. The notice of cancellation will:

(A) identify the solicitation; and

(B) cite the reason for cancellation.

The reason for rejection will be made part of the procurement file and will be available for public inspection.

(5) After opening but prior to award, individual bids or proposals may be formally rejected when the commission makes a written determination that:

(A) the business that submitted the bid or proposal is not responsible;

(B) the bid or proposal is not responsive in that it does not conform in all material respects to the requirements of the solicitation; and

(C) the equipment, materials, goods, or services, or the lease of equipment offered is unacceptable by reason of their failure to meet the requirements of the specifications or permissible alternatives or other acceptability criteria set forth in the solicitation.

The determination will be made a part of the contract file.

(f) Types of contract; prohibited contract shall be as follows:

(1) Any type of contract not otherwise prohibited by law or policy may be used. A firm, fixed price contract, however, is preferred. Any other type of contract may be used only when the commission determines that such use is in the commission's best interest. Any solicitation will include notice of the contract terms and conditions.

(2) Among the factors that may be considered in selecting contract type are the following:

- (A) The type or complexity of the procurement of equipment, materials, goods, or services, or the lease of equipment.
- (B) The difficulty of estimating performance costs, such as the inability of the commission to develop definitive specifications, to identify the risks to the contractor inherent in the nature of the work to be performed, or otherwise establish clearly the requirements of the contract.
- (C) The administrative costs to both parties.
- (D) The degree to which the commission must provide technical coordination during the performance of the contract.
- (E) The effect of the choice type on the amount of compensation to be expected.
- (F) The stability of material or commodity market prices or wage levels.
- (G) The urgency of the requirement.
- (H) The length of contract performance.
- (I) Federal requirements.

(3) A contract may contain an option for renewal or extension of its terms not otherwise prohibited by law or policy without modification for a specified period of time; however:

- (A) exercise of the option is at the discretion of the commission with mutual agreement by the contractor;
- (B) notice of such provision must be included in any solicitation;
- (C) such renewal or extension must be approved by the commission; and
- (D) such a contract for equipment, materials, goods, or services, or the lease of equipment may be entered into for any period of time not to exceed one (1) year for equipment, materials, goods, or services, or three (3) years for the lease of equipment if:
  - (i) the term of the contract and the conditions for renewal or extension, if any, are included in the solicitation;
  - (ii) funds are available for the first full year of the contract at the time of contracting;
  - (iii) the solicitation and contract specify that payment and performance obligations for succeeding fiscal years are subject to appropriation and availability of funds for these years; and
  - (iv) the solicitation requires that each bidder or offeror estimate the value of any nonrecurring costs that will have been incurred but amortized should the contract be canceled.

(g) Modification and termination of contracts for the procurement of equipment, materials, goods, or services, or the lease of equipment shall be as follows:

(1) A fixed price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract. The formula or other basis by which adjustment in contract price can be made will be specified in the solicitation and resulting contract. Any modifications or adjustments shall comply with all applicable law and policy. Adjustment allowed may be upward or downward, or both.

(2) Some, but not all, of special conditions for which contract adjustment provisions may be permitted by the commission chairman to be included in a fixed price contract include changes due to rapid and substantial price fluctuations, which can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy) or rates controlled by law.

*(Bureau of Motor Vehicles; 140 IAC 8-2-4; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1735; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 925, eff Jan 1, 2002)*

### **Rule 3. Service Charges**

#### **140 IAC 8-3-1 Pull fee (Repealed)**

Sec. 1. *(Repealed by Bureau of Motor Vehicles; filed Jan 16, 1990, 5:00 p.m.: 13 IR 1015, eff Jan 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-124 was filed Jan 16, 1990.] )*

#### **140 IAC 8-3-1.1 Pull service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-29-3

Sec. 1.1. (a) The pull service charge is the charge that the bureau of motor vehicles commission shall require for a requested

low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate as defined in subsections (b) through (c).

(b) As used in this rule, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.

(c) As used in this rule, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) The pull service charge for a low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate is thirty dollars (\$30), regardless of the remaining life of the plate, to be collected at the time of issuance.

(e) All bureau of motor vehicle and bureau of motor vehicle commission employees are prohibited from requiring, receiving, suggesting, or condoning any political contribution or other unauthorized payment in exchange for a low or special numbered motor vehicle registration plate. Any employee found to be in violation of this policy shall be subject to immediate dismissal from employment. Any other person who requires, receives, suggests, or condones a political contribution or other unauthorized payment for a low or special numbered motor vehicle registration plate or assignment thereof, shall be barred from participation in this allocation program and may be subject to criminal sanctions.

(f) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-1.1; filed Jan 16, 1990, 5:00 p.m.: 13 IR 1014, eff Jan 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-124 was filed Jan 16, 1990.]; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1260, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 929, eff Jan 1, 2002*)

#### **140 IAC 8-3-2 Handling/processing service charge (Repealed)**

Sec. 2. (*Repealed by Bureau of Motor Vehicles; filed Oct 17, 2001, 4:23 p.m.: 25 IR 935, eff Jan 1, 2002*)

#### **140 IAC 8-3-3 Forms service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-29-3

Sec. 3. (a) The forms fee is the service charge that all license branches shall charge for providing specified forms.

(b) The forms service charge shall be five dollars (\$5) for each of the following specified forms:

(1) Power of attorney.

(2) Affidavit for transfer of certificate of title for a vehicle without estate administration.

(3) Affidavit—hold harmless.

(4) Affidavit of ownership.

(5) Affidavit—personal name change.

(6) Affidavit—one (1) and the same person.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-3; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

#### **140 IAC 8-3-4 Speed title service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-17-2; IC 9-29-3; IC 9-29-4-3

Sec. 4. (a) The speed title fee is the service charge that all license branches shall charge for processing motor vehicle titles in a processing period substantially shorter than the normal processing period. This speed title service charge shall be collected in addition to:

(1) the title fee under IC 9-29-4;

(2) the title service charge prescribed in IC 9-29-3;

(3) any applicable title fee increase established by rule under 140 IAC 8-4; and

(4) any other applicable title service charge under this rule.

(b) The speed title service charge shall be twenty-five dollars (\$25).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-4; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

**140 IAC 8-3-5 Duplicate or corrected registration service charges**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-2; IC 9-29-3-18

Sec. 5. (a) The duplicate or corrected registration service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate or corrected vehicle registration. The duplicate or corrected registration service charge shall be collected in addition to the applicable statutory fee and any applicable fee increase established by rule under 140 IAC 8-4.

(b) The duplicate or corrected registration service charge, which includes the service charge amount under IC 9-29-3-18, shall be five dollars (\$5).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-5; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

**140 IAC 8-3-6 Miscellaneous items sold service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-29

Sec. 6. (a) The miscellaneous items sold service charge is the service charge for which all license branches shall charge for the processing and handling of selling miscellaneous items to the public.

(b) The miscellaneous items sold service charge shall be in the following amounts:

Registration holders \$2.50

Nuts/bolts for plates (set of two (2) each) \$0.50

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-6; filed Apr 28, 1989, 5:00 p.m.: 12 IR 1740; filed Mar 26, 1996, 11:35 a.m.: 19 IR 1750; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998; readopted filed Aug 22, 2001, 10:50 a.m.: 25 IR 202*)

**140 IAC 8-3-7 Credit card handling service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-29

Sec. 7. (a) The credit card handling service charge is the service charge for which all license branches shall charge for the processing and handling of credit card sales of all license branch transactions.

(b) The credit card handling service charge for each credit card slip used shall not exceed five dollars (\$5). (This will be for the total sale listed on each credit card slip used, regardless of the number of individual transactions purchased at that time.)

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-7; filed Apr 28, 1989, 5:00 p.m.: 12 IR 1740; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1262, eff Jan 1, 1998; readopted filed Aug 22, 2001, 10:50 a.m.: 25 IR 202*)

**140 IAC 8-3-8 Vehicle registration service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-1; IC 9-29-3-4; IC 9-29-5

Sec. 8. (a) The vehicle registration service charge is the service charge, originally set forth in IC 9-29-3-4, that all license branches shall charge for the issuance of a vehicle registration or a temporary registration permit under IC 9-18-1.

(b) The vehicle registration service charge, which includes the service charge amounts under IC 9-29-3-4, shall be five dollars and twenty-five cents (\$5.25) at each branch for each registration. Of this service charge, one dollar and twenty-five cents (\$1.25) shall be withheld from the applicable statutory fee, and four dollars (\$4) shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-8; filed Dec 12, 1990, 2:00 p.m.: 14 IR 1002; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2596; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1262, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

**140 IAC 8-3-9 Operator's license service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-24-8; IC 9-24-11; IC 9-29-3-8; IC 9-29-9-2; IC 9-29-9-6

Sec. 9. (a) The operator's license service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of an operator's license under IC 9-24-11, or a motorcycle operator's license issued under IC 9-24-8.

(b) Notwithstanding IC 9-29-3-8, the operator's license service charge shall be one dollar and fifty cents (\$1.50) at each branch for each license. The operator's license service charge shall be withheld from the applicable statutory fee under IC 9-29-9-2 or IC 9-29-9-6, as the case may be.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-9; filed Dec 12, 1990, 2:00 p.m.: 14 IR 1002; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2596; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1262, eff Jan 1, 1998; readopted filed Aug 22, 2001, 10:50 a.m.: 25 IR 202*)

**140 IAC 8-3-10 Handicapped parking placard eligibility, fees, and services charges**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-14-5-1; IC 9-14-5-4; IC 9-16-1-5; IC 9-16-3; IC 9-29-14

Sec. 10. (a) The service charge for each handicapped parking placard, or renewal, issued under IC 9-14-5-1(1) to an individual having a temporary disability is five dollars (\$5).

(b) The service charge for each duplicate handicapped parking placard issued under IC 9-14-5-1(1) to an individual having a temporary disability is five dollars (\$5).

(c) There is no fee or service charge for each handicapped parking placard issued under IC 9-14-5-1(2) to a corporation or partnership or unincorporated association.

(d) There is no fee or service charge for the first and second handicapped parking placards issued under IC 9-14-5-1(1), or a renewal, to an individual having a permanent disability. However, the service charge for any additional placards issued before the term of the placard expires under IC 9-14-5-4 is five dollars (\$5).

(e) The service charges collected under this section shall be deposited in the state license branch fund established under IC 9-29-14.

(f) In addition to the conditions of eligibility set forth in IC 9-14-5-1, 23 CFR 1235.2, Chapter II, Subchapter B, Definition—Uniform System for Parking for Persons with Disabilities is incorporated by reference into this section.

(g) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-10; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1721; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1262, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989; readopted filed Aug 22, 2001, 10:50 a.m.: 25 IR 202*)

**140 IAC 8-3-11 Excise tax collection service charges**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 6-6-5; IC 6-6-5.5; IC 9-16-1-5; IC 9-18; IC 9-29-3-3; IC 9-29-3-23; IC 9-29-5

Sec. 11. (a) The excise tax collection service charge is the service charge for excise tax collection under IC 6-6-5 and IC 6-6-5.5 as set forth in IC 9-29-3-3 and is the service charge to be withheld from such collections.

(b) The excise tax collection service charge shall be one dollar and fifteen cents (\$1.15) for each vehicle registration to which the excise tax applies.

(c) The excise tax collection service charge shall be deposited in the state license branch fund under IC 9-29-3-23. (*Bureau of Motor Vehicles; 140 IAC 8-3-11; filed Aug 9, 1994, 3:15 p.m.: 17 IR 2804; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998; filed Mar 29, 2000, 11:37 a.m.: 23 IR 1898; readopted filed Aug 22, 2001, 10:50 a.m.: 25 IR 202*)

**140 IAC 8-3-12 Title service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-17-1; IC 9-29-3-5; IC 9-29-4; IC 9-29-14

Sec. 12. (a) The title service charge is the service charge under subsection (b) that all license branches shall collect for processing a vehicle certificate of title under IC 9-17-1.

(b) The title service charge, which includes the service charge amount under IC 9-29-3-5, shall be five dollars (\$5). Of this service charge, one dollar (\$1) shall be withheld from the applicable statutory fee, and four dollars (\$4) shall be collected in addition to the applicable statutory fee or fees under IC 9-29-4, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-12; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 931, eff Jan 1, 2002*)

**140 IAC 8-3-13 Delinquent title service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-17; IC 9-29-3-6; IC 9-29-4-4; IC 9-29-14

Sec. 13. (a) The delinquent title service charge is the service charge under subsection (b) that all license branches shall charge for a delinquent application for a vehicle certificate of title.

(b) The delinquent title service charge, which includes the service charge amount under IC 9-29-3-6, shall be twelve dollars (\$12). Of this service charge, two dollars (\$2) shall be withheld from the applicable statutory fee under IC 9-29-4-4, and ten dollars (\$10) shall be collected in addition to the applicable statutory fee under IC 9-29-4-4, any other applicable statutory fee under IC 9-29-4, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-13; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 931, eff Jan 1, 2002*)

**140 IAC 8-3-14 Special motor vehicle identification number service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18; IC 9-29-3; IC 9-29-5-22; IC 9-29-14

Sec. 14. (a) The special motor vehicle identification number service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a special motor vehicle identification number. This fee shall be in addition to the applicable statutory fee for the issuance of a special motor vehicle identification number under IC 9-29-5-22, any other applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The special motor vehicle identification number service charge shall be four dollars and fifty cents (\$4.50).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-14; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 931, eff Jan 1, 2002*)

**140 IAC 8-3-15 Transfer of vehicle registration service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18; IC 9-29-3; IC 9-29-5-23; IC 9-29-14

Sec. 15. (a) The transfer of vehicle registration service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a transferred vehicle registration.

(b) The transfer of vehicle registration service charge shall be five dollars (\$5). Of this service charge, one dollar (\$1) shall be withheld from the statutory fee under IC 9-29-5-23, four dollars (\$4) shall be collected in addition to the applicable statutory fee, any other applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule, provided that the service charge established under section 8 of this rule shall not apply to the issuance of a transferred vehicle registration.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-15; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1264, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 931, eff Jan 1, 2002*)

**140 IAC 8-3-16 Miscellaneous special license plate service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18; IC 9-29-5

Sec. 16. (a) The miscellaneous special license plate service charge is the applicable service charge under subsection (b) that all license branches shall charge for the issuance of:

- (1) a personalized license plate issued under IC 9-18-15;
- (2) an amateur radio operator's license plate issued under IC 9-18-23;
- (3) a special group recognition license plate issued under IC 9-18-25;
- (4) an environmental license plate issued under IC 9-18-29;
- (5) a children's trust license plate issued under IC 9-18-30; and
- (6) an education license plate issued under IC 9-18-31.

(b) The miscellaneous special license plate service charge shall be four dollars (\$4). The miscellaneous special license plate service charge shall be collected in addition to the applicable statutory fees under IC 9-29-5-32, IC 9-29-5-36, and IC 9-29-5-38, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All service charges collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-16; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 932, eff Jan 1, 2002*)

**140 IAC 8-3-17 Civic event license plate fee and service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-29-5-37

Affected: IC 9-16-1-5; IC 9-18-24; IC 9-29-3; IC 9-29-14

Sec. 17. (a) The civic event license plate fee is the fee to be established by rule under IC 9-29-5-37 for a civic event license plate issued under IC 9-18-24.

(b) The civic event license plate service charge is the service charge under subsection (d) that shall be charged for the issuance of a civic event license plate under IC 9-18-24.

(c) The civic event license plate fee shall be eight dollars (\$8).

(d) The civic event license plate service charge shall be eight dollars (\$8) and shall be collected in addition to the fee established in this section and any applicable fee increase established by rule under 140 IAC 8-4.

(e) All civic event license plate service charges shall be deposited in the state license branch fund.

(f) All civic event license plate fees shall be deposited with the treasurer of the state and credited to the motor vehicle highway account. (*Bureau of Motor Vehicles; 140 IAC 8-3-17; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1264, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 932, eff Jan 1, 2002*)

**140 IAC 8-3-18 Additional service charge for permits and licenses**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24; IC 9-29-3-8

Sec. 18. (a) The additional service charge for permits and licenses is the applicable service charge under subsection (b) that all license branches shall charge for the issuance of the applicable permit or license to operate a motor vehicle, other than a commercial driver's license or permit, under IC 9-24-1. The additional service charge for permits and licenses shall be collected in addition to the applicable statutory fee for the applicable permit or license, the applicable fee increase established by rule under 140 IAC 8-4 for such permit or license, and any other applicable service charge currently withheld from the statutory fee under IC 9-29-3 provided that, notwithstanding IC 9-29-3-8, the applicable service charge currently withheld from the statutory fee for an operator's license or a motorcycle operator's license is established under section 9 of this rule.

(b) The additional service charges for permits and licenses are as follows:

(1) Four dollars (\$4) for the following:

(A) A learner's permit issued under IC 9-24-7.

(B) A motorcycle learner's permit issued under IC 9-24-8.

(C) A duplicate or amended learner's permit or motorcycle learner's permit issued under IC 9-24-14.

(2) Five dollars (\$5) for the following:

(A) An operator's license issued under IC 9-24-11.

(B) A motorcycle operator's license issued under IC 9-24-8.

(C) A chauffeur's license issued under IC 9-24-4.

(D) A public passenger chauffeur's license issued under IC 9-24-5.

(E) A motorcycle endorsement of an operator's license or a chauffeur's license issued under IC 9-24-8.

(F) A duplicate or amended operator's license, chauffeur's license, public passenger chauffeur's license, or motorcycle operator's license issued under IC 9-24-14.

(3) Four dollars and fifty cents (\$4.50) for a motorcycle endorsement of a public passenger chauffeur's license.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-18; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 932, eff Jan 1, 2002*)

#### **140 IAC 8-3-19 Commercial driver's license service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24-6; IC 9-29-9; IC 9-29-14

Sec. 19. (a) The commercial driver's license service charge is the applicable service charge under subsection (b) that all license branches shall charge for the applicable permit or license to operate a commercial motor vehicle under IC 9-24-6.

(b) The applicable commercial driver's license service charge shall be as follows:

(1) For a commercial driver's license learner's permit, the commercial driver's license service charge shall be five dollars (\$5) and shall be collected in addition to the fee established by rule under 140 IAC 7-3-15(a)(3).

(2) For a duplicate or amended commercial driver's license learner's permit, the commercial driver's license service charge shall be four dollars (\$4) and shall be collected in addition to the fee established by rule under 140 IAC 7-3-15(a)(4).

(3) For a commercial driver's license endorsement issued at the time of application for the license that is to be endorsed, or for a commercial driver's license endorsement at any time other than the time of application for the license that is to be endorsed, the service charge shall be four dollars (\$4) and shall be collected in addition to the applicable fee under 140 IAC 7-3-15 and the applicable service charge withheld from such fee under 140 IAC 7-3-15.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-19; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002*)

#### **140 IAC 8-3-20 Identification card service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24-16; IC 9-29-3-14; IC 9-29-9-15; IC 9-29-14

Sec. 20. (a) The identification card service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of an identification card under IC 9-24-16. The identification card service charge shall be collected in

addition to the applicable statutory fee for the issuance of an identification card and the applicable service charge currently withheld from the statutory fee under IC 9-29-3-14.

(b) The identification card service charge shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-20; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002*)

**140 IAC 8-3-21 Duplicate or replacement license plate service charge increase**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-2; IC 9-29-5-17

Sec. 21. (a) The duplicate or replacement license plate service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate or replacement license plate. The duplicate or replacement license plate service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The duplicate or replacement license plate service charge shall be five dollars (\$5).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-21; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002*)

**140 IAC 8-3-22 Duplicate title service charge increase**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-17; IC 9-29-4-5; IC 9-29-3-5

Sec. 22. (a) The duplicate title service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate title. The duplicate title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The duplicate title service charge shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-22; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002*)

**140 IAC 8-3-23 Watercraft certificate of title service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22 IC 9-31-1-5

Affected: IC 9-16-1-5; IC 9-29-15-1; IC 9-31

Sec. 23. (a) The watercraft certificate of title service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a watercraft certificate of title. The watercraft certificate of title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The watercraft certificate of title service charge shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-23; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

**140 IAC 8-3-24 Late application for watercraft certificate of title service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-31-1-5

Affected: IC 9-16-1-5; IC 9-29-15-3; IC 9-31

Sec. 24. (a) The late application for watercraft certificate of title service charge is the service charge under subsection (b) that all license branches shall charge for the processing of a late application for a watercraft certificate of title. The late application for watercraft certificate of title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The late application for watercraft certificate of title service charge shall be seven dollars (\$7).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-24; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

**140 IAC 8-3-25 Hull identification number service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-31-1-5

Affected: IC 9-16-1-5; IC 9-29-15-2; IC 9-31

Sec. 25. (a) The hull identification number service charge is the service charge under subsection (b) that all license branches shall charge for the assignment of a hull identification number for a watercraft. The hull identification number service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The hull identification number service charge shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-25; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

**140 IAC 8-3-26 Delinquent registration service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-2; IC 9-29-3

Sec. 26. (a) The delinquent registration service charge is the service charge under subsection (d) that all license branches shall charge for processing a delinquent registration.

(b) The delinquent registration service charge shall be collected when a registrant fails to apply and/or provide full payment for the registration of a vehicle, as required by IC 9-18, on or prior to the vehicle registration expiration date.

(c) The delinquent registration service charge shall be collected in addition to the applicable statutory registration fees, any applicable registration fee increase established by rule under 140 IAC 8-4, any applicable tax, and any other applicable service charge under this rule.

(d) The delinquent registration service charge shall be five dollars (\$5).

(e) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-26; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

**140 IAC 8-3-27 Delinquent license renewal service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24-12; IC 9-29-3

Sec. 27. (a) The delinquent license renewal service charge is the service charge under subsection (d) that all license branches shall charge for processing an expired driver license.

(b) The delinquent license renewal service charge shall be collected when a driver fails to renew his/her driver license, in accordance with IC 9-24-12, on or prior to the driver license expiration date.

(c) The delinquent license renewal service charge shall be collected in addition to the applicable statutory fees, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(d) The delinquent license renewal service charge shall be five dollars (\$5).

(e) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-27; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 935, eff Jan 1, 2002*)

**Rule 4. Crossroads 2000 Fund; Fee Increases**

**140 IAC 8-4-1 Vehicle certificate of title fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-17; IC 9-29-3; IC 9-29-4-3

Sec. 1. (a) The vehicle certificate of title fee increase is the fee increase under subsection (b) for the issuance of a vehicle certificate of title, excluding a duplicate or salvage certificate of title. The vehicle certificate of title fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-4-3 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The vehicle certificate of title fee increase shall be five dollars (\$5).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-1; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1266, eff Jan 1, 1998)*

**140 IAC 8-4-2 Passenger motor vehicle registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-1

Sec. 2. (a) The passenger motor vehicle registration fee increase is the fee increase under subsection (b) for the issuance of a passenger motor vehicle registration. The passenger motor vehicle registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-1 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The passenger motor vehicle registration fee increase shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-2; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1266, eff Jan 1, 1998)*

**140 IAC 8-4-3 Motorcycle registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-2

Sec. 3. (a) The motorcycle registration fee increase is the fee increase under subsection (b) for the issuance of a motorcycle registration. The motorcycle registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-2 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The motorcycle registration fee increase shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-3; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1266, eff Jan 1, 1998)*

**140 IAC 8-4-4 Truck or tractor registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-3; IC 9-29-5-5

Sec. 4. (a) The truck or tractor registration fee increase is the fee increase under subsection (b) for the issuance of a truck or tractor registration. The truck or tractor registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-3 or IC 9-29-5-5, as the case may be, and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The truck or tractor registration fee increase shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-4; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1266, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989)*

**140 IAC 8-4-5 Trailer used with motor vehicle fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-4

Sec. 5. (a) The trailer used with motor vehicle fee increase is the applicable fee increase under subsection (b) for the issuance of an annual trailer registration or a two (2) year trailer registration. The trailer used with motor vehicle fee increase shall be

collected in addition to the applicable statutory fee under IC 9-29-5-4 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The trailer used with motor vehicle fee increase shall be:

(1) four dollars (\$4) for an annual trailer registration; and

(2) eight dollars (\$8) for a two (2) year trailer registration.

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-5; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1266, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989*)

#### **140 IAC 8-4-6    Semitrailer used with tractor registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-6

Sec. 6. (a) The semitrailer used with tractor registration fee increase is the applicable fee increase under subsection (b) for the issuance of a registration for a semitrailer used with a tractor. The semitrailer used with tractor registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-6 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The semitrailer used with tractor registration fee increase shall be six dollars (\$6) for a one (1) year registration under IC 9-29-5-6(1). The fee increase for a five (5) year registration under IC 9-29-5-6(2) shall be as follows:

(1) Twelve dollars (\$12) for the first year.

(2) Ten dollars (\$10) for the second year.

(3) Eight dollars (\$8) for the third year.

(4) Six dollars (\$6) for each year thereafter.

The fee increase for a permanent registration shall be twelve dollars (\$12) at the time the semitrailer is permanently registered, and a fee increase of three dollars (\$3) when the permanent registration is renewed.

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-6; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1267, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989*)

#### **140 IAC 8-4-7    Bus registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5

Sec. 7. (a) The bus registration fee increase is the fee increase under subsection (b) for the issuance of an annual registration for a bus under IC 9-18. The bus registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-7, IC 9-29-5-8, IC 9-29-5-9, or IC 9-29-5-10, as the case may be, and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The bus registration fee increase shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-7; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1267, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989*)

#### **140 IAC 8-4-8    Special machinery registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-11

Sec. 8. (a) The special machinery registration fee increase is the fee increase under subsection (b) for the issuance of a special machinery registration. The special machinery registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-11 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The special machinery registration fee increase shall be six dollars (\$6).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-8; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1267, eff Jan 1, 1998*)

**140 IAC 8-4-9 Qualified IC 9-29-5-13 farm vehicle fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-13

Sec. 9. (a) The qualified IC 9-29-5-13 farm vehicle fee increase is the fee increase under subsection (b) for the issuance of a registration for a farm truck, farm trailer, or farm semitrailer and tractor that qualifies for registration under IC 9-29-5-13. The qualified IC 9-29-5-13 farm vehicle fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-13 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The qualified IC 9-29-5-13 farm vehicle fee increase shall be one-half ( $\frac{1}{2}$ ) of the applicable fee increase under this rule for the type of vehicle to be registered as if it did not qualify for registration under IC 9-29-5-13, provided that the IC 9-29-5-13 fee increase for the renewal of a permanent semitrailer used with a tractor registration shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-9; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1267, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989*)

**140 IAC 8-4-10 Manufacturer or dealer license plate fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-14

Sec. 10. (a) The manufacturer or dealer license plate fee increase is the fee increase under subsection (b) for the issuance of two (2) or more license plates for a motor vehicle manufacturer or dealer. The manufacturer or dealer plate fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-14 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The manufacturer or dealer license plate fee increase shall be:

(1) five dollars (\$5) for the first two (2) license plates issued to a manufacturer or dealer; and

(2) five dollars (\$5) for each additional license plate issued to such manufacturer or dealer.

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-10; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1267, eff Jan 1, 1998*)

**140 IAC 8-4-11 Motorcycle manufacturer or dealer license plate fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-15

Sec. 11. (a) The motorcycle manufacturer or dealer license plate fee increase is the fee increase under subsection (b) for the issuance of two (2) or more license plates for a motorcycle manufacturer or dealer. The motorcycle manufacturer or dealer license plate fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-15 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The motorcycle manufacturer or dealer license plate fee increase shall be:

(1) five dollars (\$5) for the first two (2) plates issued to a motorcycle manufacturer or dealer; and

(2) two dollars and fifty cents (\$2.50) for each additional license plate issued to a motorcycle manufacturer or dealer.

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-11; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1268, eff Jan 1, 1998*)

**140 IAC 8-4-12 Transport operator fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-16

Sec. 12. (a) The transport operator fee increase is the fee increase under subsection (b) for the issuance of a license plate for a transport operator. The transport operator fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-16 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The transport operator fee increase shall be:

- (1) five dollars (\$5) for the first two (2) plates issued to a transport operator; and
- (2) five dollars (\$5) for each additional plate issued to such transport operator.

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-12; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1268, eff Jan 1, 1998)*

**140 IAC 8-4-13 Duplicate or replacement license plate fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-17

Sec. 13. (a) The duplicate or replacement license plate fee increase is the fee increase under subsection (b) for the issuance of a duplicate or replacement license plate. The duplicate or replacement license plate fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-17 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The duplicate or replacement plate fee increase shall be two dollars (\$2).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-13; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1268, eff Jan 1, 1998)*

**140 IAC 8-4-14 Recreational vehicle registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-18

Sec. 14. (a) The recreational vehicle registration fee increase is the fee increase under subsection (b) for the issuance of a recreational vehicle registration. The recreational vehicle registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-18 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The recreational vehicle registration fee increase shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-14; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1268, eff Jan 1, 1998)*

**140 IAC 8-4-15 Farm tractor used in transportation fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-19

Sec. 15. (a) The farm tractor used in transportation fee increase is the fee increase under subsection (b) for the issuance of a registration for a farm tractor used in transportation. The farm tractor used in transportation fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-19 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The farm tractor used in transportation fee increase shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-15; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1268, eff Jan 1, 1998)*

**140 IAC 8-4-16 Temporary registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5

Sec. 16. (a) The temporary registration fee increase is the fee increase under subsection (b) for the issuance of a temporary

registration. The temporary registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-20, IC 9-29-5-24, or IC 9-29-5-26, as the case may be, and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The temporary registration fee increase shall be one dollar (\$1).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-16; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1269, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989*)

**140 IAC 8-4-17 Special motor vehicle identification number fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-22

Sec. 17. (a) The special motor vehicle identification number fee increase is the fee increase under subsection (b) for the issuance of a special motor vehicle identification number. The special motor vehicle identification number fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-22 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The special motor vehicle identification number fee increase shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-17; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1269, eff Jan 1, 1998*)

**140 IAC 8-4-18 Transfer of vehicle registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-23

Sec. 18. (a) The transfer of vehicle registration fee increase is the fee increase under subsection (b) for the issuance of a transferred vehicle registration. The transfer of vehicle registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-23 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The transfer of vehicle registration fee increase shall be two dollars (\$2).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-18; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1269, eff Jan 1, 1998*)

**140 IAC 8-4-19 Recovery vehicle registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-13-2-26; IC 9-13-2-27; IC 9-18; IC 9-29-3; IC 9-29-5-30

Sec. 19. (a) The recovery vehicle registration fee increase is the applicable fee increase under subsection (b) for the registration of a recovery vehicle. The recovery vehicle registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-30 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The recovery vehicle registration fee increase shall be:

(1) four dollars (\$4) for a Class A recovery vehicle (as defined in IC 9-13-2-26); and

(2) three dollars (\$3) for a Class B recovery vehicle (as defined in IC 9-13-2-27).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-19; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1269, eff Jan 1, 1998*)

**140 IAC 8-4-20 Personalized license plate registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-32

Sec. 20. (a) The personalized license plate registration fee increase is the fee increase under subsection (b) for the issuance of a personalized license plate. The personalized license plate registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-32 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The personalized license plate registration fee increase shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-20; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1269, eff Jan 1, 1998)*

**140 IAC 8-4-21 Amateur radio operator license plate fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-36

Sec. 21. (a) The amateur radio operator license plate fee increase is the fee increase under subsection (b) for the issuance of a registration for a vehicle displaying an amateur radio operator license plate. The amateur radio operator license plate fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-36 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The amateur radio operator license plate fee increase shall be two dollars (\$2).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-21; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1270, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989)*

**140 IAC 8-4-22 Civic event license plate fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-37

Sec. 22. (a) The civic event license plate fee increase is the fee increase under subsection (b) for the issuance of a registration for a vehicle displaying a civic event license plate. The civic event license plate fee increase shall be collected in addition to the applicable fee, established by rule under 140 IAC 8-3-17 as authorized under IC 9-29-5-37, and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The civic event license plate fee increase shall be five dollars (\$5).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-22; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1270, eff Jan 1, 1998)*

**140 IAC 8-4-23 Special group recognition license plate fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-38

Sec. 23. (a) The special group recognition license plate fee increase is the fee increase under subsection (b) for the issuance of a special group recognition license plate. The special group recognition license plate fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-38 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The special group recognition license plate fee increase shall be one dollar (\$1).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. *(Bureau of Motor Vehicles; 140 IAC 8-4-23; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1270, eff Jan 1, 1998)*

**140 IAC 8-4-24 Interim dealer or manufacturer transporter license plate fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-18; IC 9-29-3; IC 9-29-5-39; IC 9-29-5-40

Sec. 24. (a) The interim dealer or manufacturer transporter license plate fee increase is the fee increase under subsection (b)

for the issuance of an interim dealer or manufacturer transporter license plate. The interim dealer or manufacturer transporter plate fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-5-39 or IC 9-29-5-40, as the case may be, and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The interim dealer or manufacturer transporter plate fee increase shall be two dollars (\$2).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-24; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1270, eff Jan 1, 1998*)

**140 IAC 8-4-25 Permit or license fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-24; IC 9-29-3; IC 9-29-9-1

Sec. 25. (a) The permit or license fee increase is the applicable fee increase under subsection (b) for the issuance of a permit or license to operate a motor vehicle. The permit or license fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-9-1 and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The permit or license fee increase shall be as follows:

(1) Two dollars (\$2) for a learner's permit, a duplicate or amended learner's permit, a motorcycle learner's permit, a four (4) year operator's license, or a four (4) year motorcycle operator's license.

(2) Three dollars (\$3) for a three (3) year operator's license or motorcycle operator's license.

(3) Four dollars (\$4) for a chauffeur's license or a public passenger chauffeur's license.

(4) One dollar (\$1) for a duplicate or amended license.

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-25; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1270, eff Jan 1, 1998*)

**140 IAC 8-4-26 Motorcycle endorsement fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-24; IC 9-29-3; IC 9-29-9

Sec. 26. (a) The motorcycle endorsement fee increase is the fee increase under subsection (b) for the issuance of a motorcycle endorsement of an operator's license, a chauffeur's license, or a public passenger chauffeur's license. The motorcycle endorsement fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-9-7, IC 9-29-9-8, or IC 9-29-9-9, as the case may be, and any service charge collected in addition to such applicable statutory fee under IC 9-29-3 or 140 IAC 8-3.

(b) The motorcycle endorsement fee increase shall be one dollar (\$1).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-26; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1271, eff Jan 1, 1998*)

**140 IAC 8-4-27 Watercraft certificate of title fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-29-15-1; IC 9-31

Sec. 27. (a) The watercraft certificate of title fee increase is the fee increase under subsection (b) for the issuance of a watercraft certificate of title. The watercraft certificate of title fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-15-1.

(b) The watercraft certificate of title fee increase shall be two dollars (\$2).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-27; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1271, eff Jan 1, 1998*)

**140 IAC 8-4-28 Hull identification number fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-29-15-2; IC 9-31

Sec. 28. (a) The hull identification number fee increase is the fee increase under subsection (b) for the assignment of a hull identification number for a watercraft. The hull identification number fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-15-2.

(b) The hull identification number fee increase shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-28; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1271, eff Jan 1, 1998*)

**140 IAC 8-4-29 Late application for watercraft certificate of title fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-29-15-3; IC 9-31

Sec. 29. (a) The late application for watercraft certificate of title fee increase is the fee increase under subsection (b) for the processing of a late application for a watercraft certificate of title. The late application for watercraft certificate of title fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-15-3.

(b) The late application for watercraft certificate of title fee increase shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-29; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1271, eff Jan 1, 1998*)

**140 IAC 8-4-30 Watercraft registration fee increase**

Authority: IC 9-14-2-2; IC 9-29-1-2

Affected: IC 8-14-10-9; IC 9-29-15-4; IC 9-31

Sec. 30. (a) The watercraft registration fee increase is the fee increase under subsection (b) for the issuance of a watercraft registration, including a transfer of registration. The watercraft registration fee increase shall be collected in addition to the applicable statutory fee under IC 9-29-15-4.

(b) The watercraft registration fee increase shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the crossroads 2000 fund established under IC 8-14-10-9. (*Bureau of Motor Vehicles; 140 IAC 8-4-30; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1271, eff Jan 1, 1998*)

**ARTICLE 9. WATERCRAFT**

**Rule 1. Definitions**

**140 IAC 9-1-1 Applicability**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 1. The definitions in this rule apply throughout this article. (*Bureau of Motor Vehicles; 140 IAC 9-1-1; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2347; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-2 "Auctioneer" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31; IC 25-6.1-1

Sec. 2. "Auctioneer" means a person who is engaged in the business of, or as a part of the business participates in, providing a place or facility for the sale of watercraft on the basis of bids by a person acting for himself or herself or others. The term does not include a person active as an auctioneer only under IC 25-6.1-1. (*Bureau of Motor Vehicles; 140 IAC 9-1-2; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2347; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-3 “Bill of sale” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 3. “Bill of sale” means a written instrument sufficient to support an intent to transfer ownership of a watercraft and must include the following:

- (1) The purchase price of the boat and motor.
- (2) The name of the purchaser.
- (3) The date of purchase.
- (4) A description of the watercraft describing the following:
  - (A) Year.
  - (B) Make.
  - (C) Model or boat type.
  - (D) Length.
  - (E) Hull identification number, if any.
- (5) The signature, printed name, and address of the seller.

*(Bureau of Motor Vehicles; 140 IAC 9-1-3; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2347; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-1-4 “Boat” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-6-11-1; IC 9-13-2; IC 9-31

Sec. 4. “Boat” has the meaning set forth in IC 6-6-11-1. *(Bureau of Motor Vehicles; 140 IAC 9-1-4; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2347; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-1-5 “Boat dealer” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-6-11-1; IC 9-13-2

Sec. 5. “Boat dealer” means a person who sells to the general public for delivery in Indiana at least six (6) boats per year. *(Bureau of Motor Vehicles; 140 IAC 9-1-5; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2347; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-1-6 “Broker” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 6. “Broker” means a person, who for a fee, commission, or other valuable consideration, arranges, or offers to arrange, a transaction involving the sale, for purposes other than resale, of a new watercraft and who is not:

- (1) a boat dealer or an employee of the dealer;
- (2) a distributor or employee of the distributor; or
- (3) at any time during the transaction, the owner of the watercraft involved in the transaction.

*(Bureau of Motor Vehicles; 140 IAC 9-1-6; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2347; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-1-7 “Bureau” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-14-1; IC 9-31

Sec. 7. "Bureau" means the bureau of motor vehicles. (*Bureau of Motor Vehicles; 140 IAC 9-1-7; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2347; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-8 "Conservation officer" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 8. "Conservation officer" has the meaning set forth in IC 14-3-4-1 [*IC 14-3 was repealed by P.L.1-1995, SECTION 91, effective July 1, 1995.*]. (*Bureau of Motor Vehicles; 140 IAC 9-1-8; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-9 "Consignee" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 9. "Consignee" means the boat dealer who receives a watercraft for the purpose of offering the watercraft for sale where title is held by another person. (*Bureau of Motor Vehicles; 140 IAC 9-1-9; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-10 "Consignment sale" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 10. "Consignment sale" refers to a sale, or offer of sale, of a watercraft by a consignee, whether or not for compensation. (*Bureau of Motor Vehicles; 140 IAC 9-1-10; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-11 "Consignor" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 11. "Consignor" means the person who owns a watercraft which is consigned to a boat dealer. (*Bureau of Motor Vehicles; 140 IAC 9-1-11; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-12 "Dealer plates" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 12. "Dealer plates" means the two (2) plates provided to a boat dealer which must be displayed on a watercraft while the watercraft is being tested or demonstrated. (*Bureau of Motor Vehicles; 140 IAC 9-1-12; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-13 "Dealer registration" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31-4

Sec. 13. "Dealer registration" means a certificate of registration under IC 9-31-4 which identifies a dealership and information pertinent to the testing and demonstrating of a watercraft by the dealership. (*Bureau of Motor Vehicles; 140 IAC 9-1-13; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-14 “Discount dealer” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 14. “Discount dealer” means a person, other than a dealer or manufacturer, who is engaged in the business of selling at least six (6) watercraft during a license year to the general public. (*Bureau of Motor Vehicles; 140 IAC 9-1-14; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-15 “Distributor” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 15. “Distributor” means a person, other than a manufacturer or a wholesale dealer, who is engaged in the business of selling watercraft to dealers located in Indiana. The term includes a branch office or representative of the distributor. (*Bureau of Motor Vehicles; 140 IAC 9-1-15; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-16 “Hull identification number” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31-2-8

Sec. 16. “Hull identification number” means the standard coast guard approved twelve (12) digit number placed on a watercraft by the manufacturer or assigned by the bureau under IC 9-31-2-8 or by another state. (*Bureau of Motor Vehicles; 140 IAC 9-1-16; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-17 “Human powered vessel” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 17. “Human powered vessel” means a watercraft with propulsion that is caused solely by, or as a result of, energy directly expended by a human being. (*Bureau of Motor Vehicles; 140 IAC 9-1-17; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-18 “License year” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31-4-5

Sec. 18. “License year” means the two (2) year period established by IC 9-31-4-5. (*Bureau of Motor Vehicles; 140 IAC 9-1-18; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-19 “Manufacturer” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 19. “Manufacturer” means a person who is engaged in the business of constructing watercraft for sale to a boat dealer or to the general public. (*Bureau of Motor Vehicles; 140 IAC 9-1-19; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-20 “Motorboat” defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2-103.5; IC 9-31

Sec. 20. "Motorboat" has the meaning set forth in IC 9-13-2-103.5. (*Bureau of Motor Vehicles; 140 IAC 9-1-20; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2348; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-21 "Person" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2-124; IC 9-31

Sec. 21. "Person" has the meaning set forth in IC 9-13-2-124. (*Bureau of Motor Vehicles; 140 IAC 9-1-21; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-22 "Police officer" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2-127; IC 9-31

Sec. 22. "Police officer" has the meaning set forth in IC 9-13-2-127. (*Bureau of Motor Vehicles; 140 IAC 9-1-22; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-23 "Probation" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31-4

Sec. 23. "Probation" means a period of time a boat dealer has to rectify a requirement under IC 9-31-4 or satisfactorily conduct the business operation. (*Bureau of Motor Vehicles; 140 IAC 9-1-23; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-24 "Revocation" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31-4-6

Sec. 24. "Revocation" means to withdraw and revoke the license of a boat dealer for the remainder of the license term as stated under IC 9-31-4-6. (*Bureau of Motor Vehicles; 140 IAC 9-1-24; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-25 "Special dealer permit" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31-3-6

Sec. 25. "Special dealer permit" refers to the documentation described in IC 9-31-3-6. (*Bureau of Motor Vehicles; 140 IAC 9-1-25; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-26 "Suspension" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31-4-6

Sec. 26. "Suspension" means to temporarily cease operations by a boat dealer for a period specified by the department for a failure to meet or comply with IC 9-31-4-6. (*Bureau of Motor Vehicles; 140 IAC 9-1-26; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-27 "Transfer dealer" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 27. "Transfer dealer" means a financial institution, a lending institution, or a person, other than a boat dealer or a manufacturer, who transfers at least six (6) watercraft during a license year as part of the person's primary business function. (*Bureau of Motor Vehicles; 140 IAC 9-1-27; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-28 "Watercraft" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2-198.5; IC 9-31

Sec. 28. "Watercraft" has the meaning set forth in IC 9-13-2-198.5. (*Bureau of Motor Vehicles; 140 IAC 9-1-28; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-1-29 "Wholesale dealer" defined**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-13-2; IC 9-31

Sec. 29. "Wholesale dealer" means a person who is engaged in the business of buying or selling watercraft for resale to another boat dealer or to other persons other than the general public. (*Bureau of Motor Vehicles; 140 IAC 9-1-29; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**Rule 2. Watercraft Titles**

**140 IAC 9-2-1 Establishment of ownership before issuance of a certificate of title**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 9-31

Sec. 1. An application for a certificate of title to a watercraft shall be accompanied by documentation sufficient to establish ownership. (*Bureau of Motor Vehicles; 140 IAC 9-2-1; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-2 New watercraft purchased directly from a manufacturer or an importer through a boat dealer**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 9-31

Sec. 2. The following documentation shall be provided for a new watercraft purchased directly from a manufacturer or an importer through a boat dealer:

(1) The certificate of origin.

(2) Form ST 108 WC (or another form approved by the department of state revenue) completed to establish that the Indiana sales or use tax has been paid to the Indiana licensed dealer for the sale of the watercraft.

(3) The bill of sale, if the watercraft was purchased outside the state of Indiana.

(4) A verification by a police officer or a conservation officer on a bureau form if required under section 25 of this rule.

(*Bureau of Motor Vehicles; 140 IAC 9-2-2; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2349; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-3 Used watercraft purchased from a boat dealer**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 9-31

Sec. 3. The following documentation shall be provided for a used watercraft purchased from a boat dealer:

- (1) The certificate of title showing a reassignment by the boat dealer, if a title exists.
- (2) If the watercraft is purchased from a titling state other than Indiana, and the certificate of title is not available, the evidence of ownership required by the law of that state. The evidence shall be accompanied by a letter from the agency in the other state which issues watercraft titles stating the requirements of that agency are met.
- (3) Form ST 108 WC (or another form approved by the department of state revenue) completed to establish that the Indiana sales or use tax has been paid to the Indiana licensed dealer for the sale of the watercraft.
- (4) The bill of sale, if purchased outside of Indiana or when no title exists.
- (5) Verification by a police officer or a conservation officer on a bureau form, if required under section 25 of this rule.

*(Bureau of Motor Vehicles; 140 IAC 9-2-3; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2350; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-4 Used watercraft acquired from a person (other than a boat dealer, an importer, or a manufacturer)**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31

Sec. 4. The following documentation shall be provided for a used watercraft acquired from a person (other than a boat dealer, an importer, or a manufacturer):

- (1) The certificate of title showing an assignment by the previous owner, if a title exists.
- (2) If the watercraft is purchased from a titling state other than Indiana and the certificate of title is not available, the evidence of ownership required by the law of the other state must be met. The evidence shall be accompanied by a letter from the agency in the other state which issues watercraft titles stating the requirements of that agency are met.
- (3) A bill of sale, if the purchase price is blank on an out-of-state title.
- (4) A bill of sale, if a title does not exist.
- (5) Verification by a police officer or a conservation officer on a bureau form, if required under section 25 of this rule.

*(Bureau of Motor Vehicles; 140 IAC 9-2-4; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2350; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-5 Watercraft constructed by an applicant or for an applicant by another person not engaged in the manufacture or sale of watercraft**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31

Sec. 5. The following documentation for a watercraft constructed by an applicant or for an applicant by another person not engaged in the manufacture or sale of watercraft shall be provided:

- (1) A bill of sale, if constructed by another person other than the applicant, or a sworn statement of ownership, if constructed by the applicant.
- (2) Available receipts of materials used to construct the watercraft, if constructed by the applicant.
- (3) A verification by a police officer or a conservation officer.

*(Bureau of Motor Vehicles; 140 IAC 9-2-5; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2350; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-6 Watercraft acquired before January 1, 1986**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-1.1; IC 9-31-2

Sec. 6. Under IC 9-31-2, watercraft, acquired before January 1, 1986, is not required to have a certificate of title. The owner may elect to apply for a certificate of title. An applicant shall provide a police check and one (1) of the following:

- (1) A bill of sale.
- (2) The original certificate of origin with any assignments completed.

(3) Proof of prior registration.

*(Bureau of Motor Vehicles; 140 IAC 9-2-6; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2350; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-7 United States Coast Guard documented vessel**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31

Sec. 7. The following documentation shall be provided for a vessel which is documented, but not required to be documented, by the United States Coast Guard:

(1) The original documentation papers issued by the United States Coast Guard.

(2) A bill of sale.

*(Bureau of Motor Vehicles; 140 IAC 9-2-7; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2350; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-8 Watercraft for which the transfer of ownership is by operation of law**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6; IC 9-31

Sec. 8. The following documentation shall be provided for a watercraft for which the transfer of ownership is by operation of law (such as upon a decree of dissolution of marriage, a partnership dissolution, inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution of sale), if a watercraft is sold to satisfy a tax warrant or a storage or repair charge, or if repossession is had upon default in performance of the terms of a security agreement:

(1) For a repossession, each of the following is required:

(A) A copy of the security agreement.

(B) A certified copy of the security agreement, if the title does not reflect the lien or when no title exists.

(C) A certificate of title, if available.

(D) A verification by a police officer or a conservation officer, if required under section 25 of this rule.

(2) For a mechanic's lien or storage lien, a court order which recognizes the perfection of the lien.

(3) For a dissolution of marriage or divorce, one (1) of the following shall be provided:

(A) The certificate of title with the assignments completed, if available.

(B) A certified copy of the decree of dissolution of marriage or divorce, which includes the following:

(i) The first page of the decree.

(ii) The page listing the watercraft.

(iii) The page with the signature of the court.

(C) A docket entry with the signature of the court.

(4) For a death, one (1) of the following shall be provided:

(A) If a title indicates a joint tenancy with rights of survivorship or a joint tenancy of husband and wife, a death certificate is required. The surviving person (or each surviving person) may assign title to any person.

(B) If a title indicates sole ownership, a personal representative of the estate or another person authorized by law to act for the deceased person must sign the title on behalf of the deceased in the same manner as if the deceased were selling the watercraft. The deceased person's name shall be signed followed by the name and title of the person executing the document. (If the decedent's title is lost or mutilated, a duplicate title is not required in the decedent's name.) In addition,

one (1) of the following is required:

(i) A copy of the letters of administration, letters testamentary, or court order granting an unsupervised administration.

(ii) An affirmation for a certificate of, or application for, title or registration in an estate which is not greater than eight thousand five hundred dollars (\$8,500), where the affirmation is made more than five (5) days after the death. This option is not available if the deceased person was an out-of-state resident or if an estate has been probated.

*(Bureau of Motor Vehicles; 140 IAC 9-2-8; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2351; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-9 Watercraft sold on consignment**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31

Sec. 9. One (1) of the following is required for a watercraft sold on consignment:

(1) The certificate of title held by the previous owner with an assignment completed in the name of the buyer and signed by the consignor.

(2) If a certificate of title was not previously issued, a bill of sale.

(3) A verification by a police officer or a conservation officer, if required under section 25 of this rule.

*(Bureau of Motor Vehicles; 140 IAC 9-2-9; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2351; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-10 Watercraft transferred as a gift, prize, or otherwise**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-1.1; IC 6-6-11; IC 9-31

Sec. 10. (a) One (1) of the following is required for a watercraft transferred as a gift, prize, or otherwise without consideration:

(1) The certificate of title held by the previous owner.

(2) The manufacturer's statement of origin and a statement of ownership made under oath or by affirmation that the watercraft was given as a gift or a prize from an appropriate person or company.

(b) Proof of payment of, or exemption from, Indiana sales tax or use tax must be provided. *(Bureau of Motor Vehicles; 140 IAC 9-2-10; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2351; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-11 Watercraft abandoned on private property**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31

Sec. 11. A court order establishing ownership must be provided for a watercraft abandoned on private property. *(Bureau of Motor Vehicles; 140 IAC 9-2-11; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2351; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-12 Any other watercraft**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31

Sec. 12. Documentation to establish ownership shall be as specified by the bureau for any other watercraft. *(Bureau of Motor Vehicles; 140 IAC 9-2-12; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2351; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-13 Lack of documentation**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31

Sec. 13. If all the required documentation described in sections 2 through 12 of this rule is not provided by an applicant, but the evidence which is submitted shows that an applicant is apparently the owner of the watercraft, the bureau may notify known affected persons of a determination to issue a certificate of title, or duplicate certificate of title, to the applicant. *(Bureau of Motor Vehicles; 140 IAC 9-2-13; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2352; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-2-14 Application for certificate of title**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 6-6-11; IC 9-31

Sec. 14. (a) An application for a certificate of title is not completed until the applicant supplies the following information on a bureau form:

- (1) The complete name and address of the applicant.
- (2) In the remaining space available, the name of each owner additional to the applicant.
- (3) The Social Security number for an individual, or federal identification number for other than an individual.
- (4) A description of the watercraft to include the make of watercraft, the model name or number, hull identification number, length, model year, hull material, boat type, use, propulsion, fuel, and horsepower.
- (5) The former title number, if any.
- (6) The current registration number, if any.
- (7) The date of purchase.
- (8) The names and addresses of the first and second lienholder, if any.
- (9) The selling price, less trade-in, amount subject to tax and amount of sales or use tax paid unless an exemption is claimed.
- (10) The signature of each owner must be present on the application.
- (11) Any other information that the bureau may require.

(b) An affirmation by the seller or transferor certifying that the Indiana sales or use tax has been paid must accompany an application for a certificate of title. If the affirmation is not presented to the bureau, the bureau shall collect the sales or use tax on the watercraft.

(c) If the watercraft requires a police check, the police officer or conservation officer shall note the following information on the form:

- (1) The hull identification number.
- (2) The make and year of the watercraft.
- (3) The badge number, signature, title, and agency of the police officer.
- (4) The date of the verification.

(d) The bureau may destroy a certificate of title, or supporting evidence of a certificate of title, covering a watercraft that was on file for ten (10) years after the date of filing.

(e) No certificate of title shall be issued for a watercraft which is privately assembled or which has been substantially altered if the watercraft does not have a distinctive identification number stamped, embossed, or permanently attached to the watercraft. If the watercraft does not have a manufacturer's identification number, the owner must apply for a number from the bureau. (*Bureau of Motor Vehicles; 140 IAC 9-2-14; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2352; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-15 Hull identification number**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 9-29-15-2; IC 9-31

Sec. 15. (a) The owner of each watercraft titled in Indiana must have a valid hull identification number permanently stamped or engraved on the watercraft.

(b) Upon the completion of an application for a title under this rule, the bureau shall assign a hull identification number where any of the following conditions exist:

- (1) No hull identification number is placed on the watercraft.
- (2) The hull identification number has been removed or obliterated.
- (3) The number placed on a watercraft does not comply with the definition of a hull identification number under 140 IAC 9-1-16.
- (4) The same hull identification number is placed on another watercraft which is titled or registered in Indiana.

(c) If a person must apply for a new hull identification number from the department, the application must be submitted to the bureau and must include the following:

- (1) A fee of two dollars and fifty cents (\$2.50) as required by IC 9-29-15-2.

(2) Proof of ownership of the watercraft as provided in this rule. For a watercraft which is registered but neither titled nor required to be titled, the proof of ownership must be established by one (1) of the following:

(A) A bill of sale.

(B) The original certificate of origin with all assignments completed.

(3) A verification by a police officer or a conservation officer as required under section 25 of this rule.

(4) A photograph of the watercraft.

(5) Any other information required by the bureau.

(d) The hull identification number assigned by the bureau must be engraved or embossed on the exterior of the starboard (right) transom of the watercraft within five (5) days of receipt of the hull identification number by the owner.

(e) Funds collected from the fee described in subsection (c) shall be retained by the bureau. (*Bureau of Motor Vehicles; 140 IAC 9-2-15; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2352; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-16 Regularity of application; payment of sales and use taxes by owner**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 9-31-2

Sec. 16. (a) The bureau shall use reasonable diligence to determine the genuineness and regularity of each application for a certificate of title.

(b) No certificate of title may be issued until the bureau is satisfied that no tax imposed by IC 6-2.5 is owed as evidenced by the receipt for payment of the determination of exemption from the department of state revenue. (*Bureau of Motor Vehicles; 140 IAC 9-2-16; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2353; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-17 Temporary title and registration**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 9-31

Sec. 17. The receipt showing the payment of fees to the bureau and a copy of the application provided to the applicant under sections 2 through 12 of this rule, together constitute the temporary registration and title to a watercraft. The temporary registration is valid for thirty-one (31) days. (*Bureau of Motor Vehicles; 140 IAC 9-2-17; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2353; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-18 Numbering certificates of title**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5; IC 9-31

Sec. 18. In order to provide a uniform method of numbering certificates of title, the bureau shall assign in sequence a six (6) digit number followed by an alpha character. (*Bureau of Motor Vehicles; 140 IAC 9-2-18; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2353; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-19 Cancellation of certificate of title**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-6-11; IC 9-29-15; IC 9-31-2

Sec. 19. (a) The bureau may cancel a certificate of title for any of the following reasons:

(1) The certificate of title has been altered or forged.

(2) The certificate of title was issued upon a manufacturer's or importer's certificate, or an assignment of either, which has been altered or forged.

(3) A lien on a certificate of title has been wrongfully canceled.

(4) The hull identification number, on a watercraft for which a certificate of title is issued, has been destroyed, removed, covered, altered, or defaced.

(5) A person:

(A) used a false or fictitious name or gave a false or fictitious address;

(B) made a false statement in an application or certificate required under IC 9-31-2 or this rule or in a bill of sale or statement of ownership; or

(C) otherwise committed a fraud or misrepresentation in an application.

(6) A person to whom the certificate of title is issued is not, or subsequent to issuance ceases to be, a lawful entity in the state of Indiana.

(7) A person fails to deliver to the bureau fees required under IC 6-6-11, IC 9-29-15, or this rule, including the delivery of a check which is later dishonored.

(8) A hull identification number placement verification is not completed and returned as provided in section 15 of this rule.

(9) A certificate of title has been improperly issued.

(10) The person who holds a certificate of title seeks cancellation because the watercraft is sold, destroyed, or removed to another state.

(b) A person in custody or possession of a canceled certificate of title must surrender the title upon demand by the bureau, a police officer, or a conservation officer. (*Bureau of Motor Vehicles; 140 IAC 9-2-19; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2353; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-20 Cancellation of registration**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3

Sec. 20. (a) The bureau may cancel a registration upon notification by a state agency outside Indiana that the watercraft is registered with that state agency.

(b) A person in custody or possession of a canceled registration must surrender the registration upon demand by the bureau, a police officer, or a conservation officer.

(c) The cancellation of a watercraft registration does not determine ownership of the watercraft. (*Bureau of Motor Vehicles; 140 IAC 9-2-20; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2353; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-21 Delivery of certificate of title**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-2

Sec. 21. (a) If a certificate of title is issued which shows one (1) or more liens, delivery of the certificate of title shall be made by the bureau to the address shown on the face of the title for the first lienholder.

(b) Except as provided in subsection (a), delivery of a certificate of title shall be to the address shown for the owner listed first on the certificate of title. (*Bureau of Motor Vehicles; 140 IAC 9-2-21; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2354; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-22 Lien on canceled certificate of title**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-2

Sec. 22. Cancellation of a certificate of title under section 20 of this rule does not affect the validity of a lien, mortgage, or encumbrance noted on the certificate. (*Bureau of Motor Vehicles; 140 IAC 9-2-22; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2354; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-23 Authorized agents for manufacturers and importers**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-2

Sec. 23. (a) A manufacturer or importer must provide a certificate of origin for a watercraft required to be titled.

(b) A manufacturer or importer shall designate an authorized agent to affirm on their behalf the authenticity of a certificate of origin. (*Bureau of Motor Vehicles; 140 IAC 9-2-23; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2354; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-24 Determination of taxation**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 6-2.5-3-6; IC 9-31-2

Sec. 24. (a) A person liable for a tax under IC 6-2.5-3-6 with respect to a watercraft acquired in a retail transaction shall pay the tax through the bureau when the application is made for a watercraft title unless the person presents proof that:

(1) the tax has already been paid; or

(2) the tax is inapplicable because there is an exemption under IC 6-2.5.

(b) Except as provided in subsection (c), the tax due under subsection (a) is computed under IC 6-2.5 and 45 IAC 2.2 based on the presumption that the sale price was the highest book value for that watercraft, as determined by the current Buc Used Boat Price Guide (BUC).

(c) The tax is due and calculated by:

(1) a bill of sale or certificate of title which reflects the purchase price;

(2) BUC book; or

(3) as a last resort, a statement by the applicant made under oath or affirmation indicating selling price.

(*Bureau of Motor Vehicles; 140 IAC 9-2-24; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2354; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-25 Police check before the issuance of a watercraft title**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-2

Sec. 25. A verification of the year, make, and identification number of a watercraft is required by a police officer or a conservation officer before a certificate of title can be issued to the watercraft under any of the following conditions:

(1) An out-of-state watercraft title is assigned to an Indiana resident.

(2) An out-of-state resident's title is transferred.

(3) A certificate of origin is assigned by an out-of-state dealer, not licensed by the state of Indiana, to an Indiana resident.

(4) A certificate of origin is assigned directly by an out-of-state or unlicensed manufacturer to an Indiana resident.

(5) An application is made for a hull identification number.

(6) An application is made for a mechanic's lien.

(7) An application is made to change the hull identification number on a watercraft.

(8) The bureau makes a request for clarification of the hull identification number on a watercraft.

(9) An application for a title is based on an affirmation of ownership or a bill of sale.

(10) A title application is made for an out-of-country watercraft.

(11) A verification by a police officer or conservation officer is otherwise required under this rule before the issuance of a title.

(*Bureau of Motor Vehicles; 140 IAC 9-2-25; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2354; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-2-26 Refunds; corrections**

Authority: IC 9-14-2-2

Affected: IC 9-29-15; IC 9-31-2

Sec. 26. (a) Upon a request by an applicant, a refund will be made for a fee charged under this rule if:

(1) documentation was issued by the bureau which resulted from an error by the bureau; or

(2) the applicant was charged an amount in excess of the fee established under this rule or IC 9-29-15.

(b) A correction will be made without charge to documentation issued under this rule if the correction is needed as a result of an error by the bureau. If a correction or modification is required for a certificate of title because complete and accurate information was not provided by the applicant, including a failure to identify a lienholder, an additional fee of nine dollars (\$9) shall be assessed. If a correction or modification is required for a registration because complete and accurate information is not provided by an applicant, an additional fee of one dollar (\$1) will be assessed.

(c) An affirmation may be executed by a seller to correct an assignment which was erroneously prepared.

(d) Funds from the fee described in subsection (b) shall be placed in the motor vehicle highway account fund. (*Bureau of Motor Vehicles; 140 IAC 9-2-26; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2354; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

#### **140 IAC 9-2-27 Fee for late title application**

Authority: IC 9-31-1-5

Affected: IC 9-29; IC 9-31-2

Sec. 27. (a) Except as provided in subsection (d), a person who does not apply for a certificate of title within thirty-one (31) days after the purchase date for a watercraft must pay, in addition to other fees required under this rule, a late title application fee in the amount of ten dollars (\$10).

(b) The period of thirty-one (31) days begins with the day following the purchase date and continues for thirty-one (31) consecutive days, including Sundays and holidays. If day thirty-one (31) falls on a Sunday, a legal holiday, or a day when the bureau is closed, the due date is the first day following which is not a Sunday, a legal holiday, or a day when the bureau is closed. The period ends on the date when a person first appears at the bureau and makes a title application, regardless of whether the application is then completed.

(c) The purchase date for a watercraft is determined by the date of a seller's signature on an assigned title, certificate of origin, or bill of sale. If these dates are inconsistent, the earliest date applies. If the date has been altered, a late fee will be charged under this section.

(d) A nonresident owner of a watercraft with an out-of-state title who applies for a title in Indiana is not subject to a late fee under this section. (*Bureau of Motor Vehicles; 140 IAC 9-2-27; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2355; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

### **Rule 3. Boat Dealers**

#### **140 IAC 9-3-1 General requirements**

Authority: IC 9-14-2-2

Affected: IC 6-2.5; IC 9-29-15; IC 9-31-4-7

Sec. 1. (a) This section describes general requirements which must be satisfied by each boat dealer.

(b) A boat dealer shall have a license issued by the bureau to qualify the dealer for the receipt of dealer registrations.

(c) Only one (1) boat dealer can be licensed from a single established place of business under subsection (d) or from a single address.

(d) A boat dealer shall, for the entire license period, have an established place of business which meets each of the specifications contained in this subsection. The established place of business shall meet the following requirements:

(1) Have an Indiana address other than a post office box.

(2) Allow for the display of at least ten (10) watercraft of the kind and type which the dealer is licensed to sell.

(3) Not be attached to, or part of, a residence.

(4) Not violate a local zoning requirement.

(e) An established place of business which is located in a strip office mall, a garage, or a similar facility, and which otherwise satisfies subsection (d), may be approved if the following requirements are met:

(1) A separate entrance is maintained.

(2) A separate address is maintained.

(3) An adequate display area is provided.

(4) The general public is provided with a distinct impression of its separate business status.

(f) A boat dealer shall provide the bureau with its retail merchant certificate number obtained from the department of state revenue and its federal identification number.

(g) A boat dealer shall provide proof of liability insurance covering the established place of business under IC 9-31-4-7.

(h) A boat dealer shall provide the bureau with photographs of the established place of business with the initial application for a boat dealer license. The photographs must include the following:

(1) Any major sales or storage lot.

(2) The primary exterior advertising sign.

(3) The primary display and office building.

The photographs must be at least three (3) inches by five (5) inches large. The photographs must be updated if the dealership is moved or if its facilities are substantially altered or modified.

(i) Except for a boat dealer engaged primarily in the sale of used watercraft, the dealer shall provide the bureau, with the initial licensing application, evidence of the franchise or contract agreement with a manufacturer.

(j) The boat dealer shall maintain, at the established place of business, a conspicuous and permanent sign identifying the dealer by the name in which the dealer is operating and setting forth the hours of operation of the dealership. (*Bureau of Motor Vehicles; 140 IAC 9-3-1; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2355; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

#### **140 IAC 9-3-2 Manufacturer's and importer's certificate of origin**

Authority: IC 9-14-2-2

Affected: IC 9-31

Sec. 2. (a) A boat dealer shall not purchase or acquire a new watercraft without obtaining from the seller of the watercraft a manufacturer's certificate of origin or an importer's certificate of origin.

(b) A manufacturer's certificate of origin or an importer's certificate of origin must include the following:

(1) A description of the watercraft. The description must include the following:

(A) The year.

(B) The length.

(C) Dry weight.

(D) Series or model.

(E) Make.

(F) Horsepower rating.

(G) Hull type.

(H) Hull identification number.

(2) A certification of the date of transfer of the watercraft to a distributor, boat dealer, or other person.

(3) The name and address of the distributor, boat dealer, or other person to whom the watercraft was transferred.

(4) A certification that the transfer is the first transfer of the watercraft in ordinary trade and commerce.

(5) The signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's certificate or an importer's certificate must be printed on the reverse side of the certificate. The assignment must include the name and address of the transferee, a certification that the watercraft is new, and a warranty that the title at the time of delivery is subject only to liens and encumbrances that are set forth and fully described on the assignment. (*Bureau of Motor Vehicles; 140 IAC 9-3-2; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2356; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

#### **140 IAC 9-3-3 Dealer registration; plates and restrictions**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-29-15; IC 9-31-3-19; IC 9-31-4

Sec. 3. (a) This section governs the issuance to, and maintenance by, a boat dealer of a dealer registration and two (2) dealer plates under IC 9-31-3-19. A boat dealer registration is effective for not more than twelve (12) months.

(b) In addition to the requirements for a certificate of registration under IC 9-31-3, the following requirements must be met

by a boat dealer who holds a dealer registration:

- (1) A boat dealer who wishes to receive a dealer registration shall be licensed and make an application for the dealer registration. A fee of ten dollars (\$10) must accompany the application for a dealer registration.
- (2) A dealer registration (and two (2) plates) must not be used to test or demonstrate more than one (1) watercraft at a time.
- (3) A dealer registration must be used exclusively in the usual and customary conduct and operation of the business of the boat dealer.
- (4) A dealer registration must not be used on a watercraft for which a boat dealer charges or receives compensation from a person other than an employee of the dealer.
- (5) A dealer registration must not be used on a watercraft leased or rented by the boat dealer to another person.
- (6) A dealer registration must not be used on a watercraft in excess of ten (10) days by a prospective buyer or service customer.
- (7) A dealer registration must not be used for the personal use of a boat unless the boat dealer or an employee of the boat dealer is present on the watercraft during its operation. To qualify as an employee under this subdivision, a bona fide employment relationship must be established by the boat dealer with the individual who claims to be an employee.
- (8) A dealer registration must not be used to circumvent the watercraft registration requirements under IC 9-31-4 and 140 IAC 9-4, including those requirements relating to taxation. An unlawful use of a dealer registration may be demonstrated by a boat dealer's possession of a watercraft on which a dealer registration is affixed:
  - (A) beyond the usual and customary period of time in the industry for holding a watercraft in inventory; or
  - (B) outside of the boat dealer's inventory for sale.
- (9) A dealer registration must not be loaned, leased, or sold to a person who is not authorized to use the dealer registration or to a person who has or could obtain a classification of dealer registration as a result of that person's business.

*(Bureau of Motor Vehicles; 140 IAC 9-3-3; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2356; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

#### **140 IAC 9-3-4 Temporary permits**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 4-21.5-3-8; IC 9-29-15; IC 9-31-3-6; IC 9-31-4

Sec. 4. (a) This section governs the issuance and use of a temporary permit by a boat dealer issued under IC 9-31-3-6.

(b) A boat dealer shall not issue more than one (1) temporary permit to the purchaser of a watercraft. A boat dealer cannot renew a temporary permit issued under this subsection, and a temporary permit must not be used for more than thirty-one (31) days.

(c) A boat dealer shall not apply a temporary permit to a watercraft owned or in the inventory of a boat dealer.

(d) A boat dealer who wishes to assign a temporary permit to another boat dealer shall, before making the assignment, record the temporary permit and registration in a log according to the control number on the temporary permit.

(e) A boat dealer who is assigned a temporary permit from another boat dealer must, upon receipt, record in a log the temporary permit and the name of the boat dealer who made the assignment.

(f) A boat dealer shall provide a bill of sale or another ownership document which establishes the purchase date to the purchaser at the time of the issuance of a temporary permit.

(g) A boat dealer shall pay a fee of one dollar (\$1) for each temporary permit which is purchased.

(h) The log required under this section must be maintained in the possession of the boat dealer for at least three (3) years following the final entry made in that log. In addition to any other requirements contained in this section, the log must include the following information:

- (1) The temporary permit control number issued in its sequence.
- (2) The name and address of the person to whom the temporary permit was issued.
- (3) The make, model, and year of the watercraft to which the temporary permit is to be affixed.
- (4) The hull identification number.
- (5) The date of issuance of the temporary permit.

(i) Under IC 4-21.5-3-8, the department may suspend the license of a boat dealer who misuses a temporary permit or registration. *(Bureau of Motor Vehicles; 140 IAC 9-3-4; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2356; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-3-5 Dealer certificates of registration or temporary permits to be issued to a dealer or manufacturer**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-29-15; IC 9-31-4

Sec. 5. (a) The following table shall be used to establish the maximum number of dealer certificates of registration to be issued on an annual basis:

| Dealer Registrations |                                    |
|----------------------|------------------------------------|
| Annual Boat Sales    | Maximum Number<br>of Registrations |
| 6-40                 | 2                                  |
| 41-75                | 4                                  |
| 76-150               | 6                                  |
| 151-250              | 8                                  |
| 251-500              | 10                                 |

(Maximum is thirty (30) registrations.)

| Manufacturer Registrations |                                    |
|----------------------------|------------------------------------|
| Annual Boats Made          | Maximum Number<br>of Registrations |
| 6-200                      | 4                                  |
| 201-500                    | 6                                  |
| 501-1,000                  | 8                                  |
| 1,000-2,500                | 10                                 |
| 2,501-5,000                | 20                                 |

(Maximum is fifty (50) registrations.)

(b) The commissioner of the bureau may also limit the number of registrations issued.

(c) The commissioner of the bureau may limit the number of temporary permits issued based upon the number of watercraft sold or based upon the extent of the dealer's projected sales. (*Bureau of Motor Vehicles; 140 IAC 9-3-5; filed Jun 7, 1993, 10:00 a.m.; 16 IR 2357; readopted filed Jul 30, 2001, 10:31 a.m.; 24 IR 4232*)

**140 IAC 9-3-6 Transfer dealer license**

Authority: IC 9-14-2-2

Affected: IC 9-31-4-7

Sec. 6. (a) To act as a transfer dealer, a person shall be licensed under this section.

(b) The application must show that the applicant possesses the following:

(1) A retail merchant certificate obtained from the department of revenue.

(2) A federal identification number.

(c) The application must show that the transfer dealer will operate from a place of business located in a permanent building. A tent, temporary stand, permanent quarters temporarily occupied, or residence does not qualify under this subsection.

(d) The application must show the place of business has parking or storage facilities for at least ten (10) watercraft.

(e) The application must include photographs of the place of business with the initial application under this section. The photographs must include the major sales, storage, and office space to be used by the transfer dealer. The photographs must be at least three (3) inches by five (5) inches large. The photographs must be updated if the place of business is moved or if its facilities are substantially altered or modified.

(f) The applicant shall provide and maintain business liability insurance for its place of business under IC 9-31-4-7.

(g) The applicant must provide a statement of the type and extent of the transfer dealer's business.

(h) Except as otherwise provided in this section, the provisions under this rule applicable to a boat dealer also apply to a transfer dealer. (*Bureau of Motor Vehicles; 140 IAC 9-3-6; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2357; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-3-7 Discount dealer license**

Authority: IC 9-14-2-2

Affected: IC 9-31-4-7

Sec. 7. (a) To act as a discount dealer, a person shall be licensed under this section.

(b) The application must show that the applicant possesses the following:

(1) A retail merchant certificate obtained from the department of revenue.

(2) A federal identification number.

(c) The application must show that the discount dealer will operate from a place of business which is related to the sale of watercraft. A post office box or residence does not qualify under this subsection. Any sale of watercraft must be a secondary business which does not exceed fifty percent (50%) of the gross income which is derived from the place of business.

(d) The application must show that the place of business has an inventory of at least ten (10) watercraft.

(e) The application must include photographs of the place of business with the initial application under this section. The photographs must show the major sales and display of the watercraft inventory. The photographs must be at least three (3) inches by five (5) inches large. The photographs must be updated if the place of business is moved or if its facilities are substantially altered or modified.

(f) The applicant shall provide and maintain business liability insurance for its place of business under IC 9-31-4-7.

(g) The applicant shall provide a statement of the type and extent of the discount dealer's business.

(h) Except as otherwise provided under this section, the provisions of this rule applicable to a boat dealer also apply to a discount dealer. (*Bureau of Motor Vehicles; 140 IAC 9-3-7; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2358; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-3-8 Determining the number of boats or watercraft sold**

Authority: IC 9-14-2-2

Affected: IC 9-31-4

Sec. 8. For the purpose of determining the number of boats or watercraft sold, or anticipated to be sold, under IC 9-31-4 or this rule, the period of twelve (12) months which immediately follows issuance of the boat dealer license shall be used. (*Bureau of Motor Vehicles; 140 IAC 9-3-8; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2358; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-3-9 Providing documentation to purchaser**

Authority: IC 9-14-2-2

Affected: IC 9-31

Sec. 9. A boat dealer shall provide each person who purchases a boat or watercraft from the dealership with all documentation needed to transfer the title to the boat or watercraft to the purchaser. The documentation must be provided within ten (10) days of the sale or delivery of the watercraft. (*Bureau of Motor Vehicles; 140 IAC 9-3-9; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2358; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

**140 IAC 9-3-10 Consignment sales**

Authority: IC 9-14-2-2

Affected: IC 9-31-2; IC 9-31-4-7

Sec. 10. (a) A consignor, who consigns a watercraft to a consignee to be offered for sale and sold by the consignee on behalf of the consignor to a third person, must either:

(1) provide the third person with a signed bill of sale or certificate of title correctly assigned; or

- (2) provide the consignee with the certificate of title and either:
  - (A) a power of attorney to designate the consignee as the agent of the consignor; or
  - (B) a duly executed consignment agreement between the consignor and the consignee.
- (b) A consignment agreement under subsection (a) must include the following information:
  - (1) The name and current address of the following:
    - (A) The person who is identified on the certificate of title as the owner.
    - (B) The person who holds possession of the certificate of title.
    - (C) Any person who holds a lien on the title.
    - (D) The person to whom the watercraft was consigned for sale.
  - (2) A description of the watercraft, including the make, model, and hull identification number.
  - (3) A statement to show that the consignee has been appointed by the consignor as the agent to offer the watercraft for sale.
  - (4) Any sales condition which must be met by the consignee.

*(Bureau of Motor Vehicles; 140 IAC 9-3-10; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2358; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

#### **140 IAC 9-3-11 Investigation and evaluation of qualifications**

Authority: IC 9-14-2-2

Affected: IC 9-31-2; IC 9-31-4-7

Sec. 11. (a) The bureau, or a person authorized by the bureau, may conduct an investigation of a boat dealer, transfer dealer, or discount dealer and of any place of business which is regulated under this rule to determine if the requirements of IC 9-31-4 and this rule are being satisfied, or would be satisfied, upon the issuance of a license.

(b) Upon the request of the bureau, or a person authorized by the bureau, a person who is subject to investigation under subsection (a) must provide any documentation or records necessary or reasonably required as follows:

- (1) To identify and record the sale of a watercraft.
- (2) To evaluate whether an applicant meets each of the requirements to be licensed.
- (3) To establish that insurance policies required under IC 9-31-4-7 or this rule are current and valid.
- (4) To identify and describe a franchise or contract agreement between a boat dealer and a manufacturer.
- (5) To identify the authority of a person to sell a particular watercraft held in inventory.
- (6) If a place of business houses both a primary business and a secondary business, to identify the respective gross incomes of those businesses.
- (7) To describe any other function or transaction which is subject to regulation under IC 9-31-4 or this rule.

*(Bureau of Motor Vehicles; 140 IAC 9-3-11; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2359; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

#### **140 IAC 9-3-12 Validity of license; change of business name or location**

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-29-15; IC 9-31-4

Sec. 12. (a) Any person who surrenders a license a full twelve (12) months prior to its expiration date may be refunded one-half (1/2) of the license fee.

(b) If a business name or location is changed, the holder of a license issued under this rule must notify the bureau on a bureau form. The license must be surrendered within ten (10) days of the change, and the bureau shall collect a fee of five dollars (\$5). The bureau shall endorse the change on the license unless the bureau determines that the change violates another provision of this rule or IC 9-31-4. *(Bureau of Motor Vehicles; 140 IAC 9-3-12; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2359; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

#### **140 IAC 9-3-13 Denial, suspension, or revocation of the dealer license and plates**

Authority: IC 9-14-2-2

Affected: IC 4-21.5; IC 9-31-4

Sec. 13. (a) The bureau shall make the initial determination with respect to an application for the issuance of a boat dealer's license and plates. Based upon the application and investigation, the bureau shall either issue plates to the applicant or deny the issuance of the boat dealer plates.

(b) Within fifteen (15) days of the bureau's initial determination with respect to the application, the applicant may make a written request for a hearing for a redetermination of the status of the application. At the hearing, the applicant may present evidence to substantiate the applicant's claim to either boat dealer registration plates or to a specific classification of boat dealer registration plates. The hearing will be conducted in accordance with IC 4-21.5. Any further review of the bureau's determination shall be afforded through the circuit or superior court in which the person's principal place of business is located.

(c) A license or plates under this section may be denied, suspended, revoked, or placed upon probation for:

(1) a material misrepresentation in application for a license filed with the bureau;

(2) a lack of fitness under the standards set forth in IC 9-31-4 or this rule;

(3) a willful failure to comply with IC 9-31-4 or this rule; or

(4) a willful violation of any federal or state law relating to the sale, distribution, financing, or insuring of boats.

(d) Any probation, suspension, or revocation of a boat dealer's license or boat dealer's plates must be made by the bureau after notice of specific charges and hearing in accordance with IC 4-21.5. Any further review of the bureau's determination shall be afforded through the circuit or superior court in which the person's principal place of business is located. (*Bureau of Motor Vehicles; 140 IAC 9-3-13; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2359; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

#### **140 IAC 9-3-14 Issuance of cease and desist order by commissioner**

Authority: IC 9-14-2-2

Affected: IC 9-31-4-2

Sec. 14. All businesses engaged in the business activities as identified in IC 9-31-4-2 must be licensed to carry out such business activities and functions. Failure to obtain a license or having a license suspended or revoked by the bureau shall be cause for an order to cease and desist all such business activities to be issued by the bureau. The bureau shall notify the superintendent of the Indiana state police of all such orders issued to cease and desist business. (*Bureau of Motor Vehicles; 140 IAC 9-3-14; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2359; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

### **Rule 4. Registration**

#### **140 IAC 9-4-1 Identification number**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3; IC 9-31-4

Sec. 1. (a) The identification number issued under the Indiana numbering system shall be divided into the following parts:

(1) The first part shall consist of the letters "IN".

(2) The second part shall consist of not more than four (4) numerals.

(3) The third part shall consist of not more than two (2) letters.

(b) Each group of letters and numerals shall be separated by a hyphen or an equivalent space, for example, IN-1234-AA or IN 567 AA.

(c) Since the letters "I", "O", and "Q" may be mistaken for arabic numbers, they shall not be used in the third part of the identification. (*Bureau of Motor Vehicles; 140 IAC 9-4-1; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2360; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232*)

#### **140 IAC 9-4-2 Display of identification number**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3; IC 9-31-4

Sec. 2. The boat number awarded by this state shall be as follows:

(1) Painted on, or attached to, each side of the bow, on the forward half of the motorboat and above the water line, of the

motorboat for which it was issued so as to be clearly visible for identification purposes.

(2) Of a single color which will sharply contrast with the color of the background, for example, black on white.

(3) So maintained as to be clearly visible and legible at a distance of at least one hundred (100) feet.

(4) Readable from left to right.

(5) In block letters of good proportion of not less than three (3) inches in height.

*(Bureau of Motor Vehicles; 140 IAC 9-4-2; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2360; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-4-3 Application for identification number**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3

Sec. 3. The application for an identification number shall be made upon a form approved by the department and shall contain the following:

(1) Name and address of owner.

(2) Make of boat.

(3) Year built, if known.

(4) Length of boat.

(5) Series of model, if known.

(6) Manufacturer's serial number, if known.

(7) Present number, if any.

(8) State in which principally used.

(9) Citizenship of owner and date of birth.

(10) Hull material, such as:

(A) wood;

(B) steel;

(C) aluminum;

(D) plastic; or

(E) other.

(11) Type propulsion, such as:

(A) outboard;

(B) inboard; or

(C) other.

(12) Type of fuel, such as:

(A) gas;

(B) diesel; or

(C) other.

(13) Statement as to use, for example:

(A) pleasure;

(B) livery;

(C) commercial-passenger;

(D) commercial-fishing; or

(E) commercial-other.

*(Bureau of Motor Vehicles; 140 IAC 9-4-3; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2360; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-4-4 Certificate of identification number**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3

Sec. 4. The certificate of identification number shall be upon a form approved by the department and shall contain the following information:

- (1) Registration number.
- (2) Name and address of owner.
- (3) Make of boat and length of boat.
- (4) Manufacturer's serial number of boat, if any.
- (5) Signature of owner.
- (6) Expiration date.

*(Bureau of Motor Vehicles; 140 IAC 9-4-4; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2360; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-4-5 Dealer's and manufacturer's identification number; display**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3; IC 9-31-4

Sec. 5. (a) The manufacturer's and dealer's application and certificate shall be the same as the approved form.

(b) The description of the boat will be omitted since the number of the registration certificate awarded may be transferred from one (1) boat to another, owned by said dealer or manufacturer.

(c) In lieu of the description, the word "manufacturer" or "dealer", as appropriate, will be plainly marked on each certificate. The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign to be temporarily but firmly mounted upon or attached to the boat being demonstrated or tested, so long as the display meets the requirements under section 2 of this rule. *(Bureau of Motor Vehicles; 140 IAC 9-4-5; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2360; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-4-6 Livery boats**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3; IC 9-31-4

Sec. 6. (a) The livery boat operator's application and certificate shall be the same as the approved form.

(b) The word "livery" will be plainly marked on each certificate.

(c) In addition to the number on a livery boat, the word "livery" shall appear directly beneath the awarded number. *(Bureau of Motor Vehicles; 140 IAC 9-4-6; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2361; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

**140 IAC 9-4-7 Renewal of identification number**

Authority: IC 9-14-2-2; IC 9-31-1-5

Affected: IC 9-31-3; IC 9-31-4

Sec. 7. Any applicant desiring to retain the same number and certificate shall apply for same, no later than six (6) months after the expiration date of said number and certificate. *(Bureau of Motor Vehicles; 140 IAC 9-4-7; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2361; readopted filed Jul 30, 2001, 10:31 a.m.: 24 IR 4232)*

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