

Document: Proposed Rule, **Register Page Number:** 29 IR 63
Source: October 1, 2005, Indiana Register, Volume 29, Number 1

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TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule LSA Document #05-237

DIGEST

Adds 140 IAC 7-4 to establish standards for operator's licenses under IC 9-24-9 and identification cards for nondrivers under IC 9-24-16. Effective 30 days after filing with the Secretary of State.

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

Estimated Number of Small Business Subject This Rule:

The Bureau of Motor Vehicles estimates that no small businesses will be directly affected by this rule, as driver licenses and identification cards are issued to individuals, not to businesses. Although the rule will apply to individuals who own or work for small businesses, the standards will be substantially similar to those applied by the Bureau for more than two years and will not increase the regulatory burden on small businesses or individuals.

Estimated Annual Average Administrative Costs That Small Businesses Will Incur:

The Bureau estimates that there will be no additional administrative costs to small businesses as a result of this rule. The administrative burden of demonstrating identity and residency will only fall on individual applicants and will be the cost of complying with standards for identification that are substantially similar to those currently in place.

Estimated Total Annual Economic Impact on Small Businesses:

The Bureau estimates that there will be no additional economic impact on small businesses as a result of this rule.

Justification of Requirements or Costs on Small Businesses Where Rule Is Not Expressly Required by Law:

There are no additional requirements or costs on small businesses. The standards are necessary to implement the requirements of Indiana Code for applicants for licenses and identification cards.

Supporting Data, Studies, or Analyses:

The Bureau did not rely on any studies in reaching this estimate.

Regulatory Flexibility Analysis or Alternative Methods:

The Bureau considers these standards necessary to comply with the requirements of state and federal law and considers these standards to be the least restrictive practicable measures under current law.

Explanation of Preliminary Determination:

The Bureau's current standards have been challenged in court, and both citizens and administrators need clear standards to ensure the orderly administration of the requirements of state and federal law.

Supporting Data, Studies, or Analyses:

The Bureau did not rely on any studies in reaching this conclusion. However, it considered its past experience and the requirements of state and federal law.

140 IAC 7-4

SECTION 1. 140 IAC 7-4 IS ADDED TO READ AS FOLLOWS:

Rule 4. Identity Documents Required

140 IAC 7-4-1 Definitions

Authority: IC 9-14-2-2

Affected: IC 9-24-9; IC 9-24-16

Sec. 1. (a) The words and phrases used in this rule shall have the meaning given to them in this section unless the context clearly indicates a different meaning.

(b) “Bureau” means the bureau of motor vehicles. 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) “Primary document” means a document used to:

- (1) identify an individual; and
- (2) verify his or her date of birth and citizenship.

(e) “Proof of residency” means documents used in verifying an individual’s place of residence.

(f) “Resident” means a person who is presently domiciled in Indiana with intent to reside in this state permanently.

(g) “Secondary document” means a document used in addition to primary documents for identity purposes.

(h) “State” means any of the United States of America.

(i) “Valid” means not expired and authentic. (*Bureau of Motor Vehicles; 140 IAC 7-4-1*)

140 IAC 7-4-2 License, permit, and identification card qualifications

Authority: IC 9-14-2-2

Affected: IC 9-24-9; IC 9-24-16

Sec. 2. (a) The bureau shall require documentation as part of the application for an Indiana:

- (1) driver’s license;
- (2) learner/driver education permit; and
- (3) identification card.

(b) To receive a first time Indiana driver’s license or driver education/learner permit, an applicant is required to provide:

- (1) one (1) document from the primary group, one (1) document from the secondary group, one (1) document from the proof of residency group, and proof of a valid Social Security number; or
- (2) two (2) documents from the primary group, one (1) document from the proof of residency group, and proof of a valid Social Security number.

(c) To receive a first time Indiana identification card, an applicant is required to provide:

- (1) one (1) document from the primary group, one (1) document from the secondary group, and one (1) document from the proof of residency group; or
- (2) two (2) documents from the primary group, and one (1) document from the proof of residency group.

(d) To receive a duplicate Indiana driver’s license or learner/driver education permit, an applicant is required to provide one (1) document from the primary group, one (1) document from the secondary group, verification of the Social Security number on the bureau’s record, and, if the applicant’s address has changed since the license or permit was issued or renewed, one (1) document from the proof of residency group.

(e) To amend an Indiana driver’s license, learner/driver education permit, or identification card, an applicant is required to provide a license, learner/driver education permit, or identification card to amend and acceptable documentation to support the changes to be made on the license, permit, or identification card. If an applicant cannot provide a driver’s license, learner/driver education permit, or identification card to amend, the applicant must present the documentation required to obtain a duplicate license, permit, or identification card.

(f) To renew an Indiana driver’s license, learner/driver education permit, or identification card, an applicant is required to surrender a current Indiana driver’s license, learner/driver education permit, or identification card and to provide verification of the Social Security number on the bureau’s record.

- (1) If the applicant does not possess a current Indiana driver’s license, permit, or identification card, he or she is required to present documentation as a first time applicant.

(2) When renewing an Indiana driver's license or learner/driver education permit, an identification card is only considered secondary documentation.

(3) An applicant presenting an Indiana driver's license, learner/driver education permit, or identification card that has been expired more than ten (10) years must provide documentation as if applying for a first time license, permit, or identification card.

(Bureau of Motor Vehicles; 140 IAC 7-4-2)

140 IAC 7-4-3 Bureau of motor vehicles documentation list

Authority: IC 9-14-2-2

Affected: IC 9-24-9-2; IC 9-24-16

Sec. 3. (a) The bureau shall require documentation as part of the application for an Indiana driver's license, learner/driver education permit, and identification card. Only original documents or certified facsimiles from the issuing agency will be accepted. The bureau reserves the right to refuse any identification presented that appears fraudulent or unreliable. Altered and expired documents will not be accepted. Documents presented to the bureau for identification purposes will be kept confidential. All documents must contain the applicant's name and must be in the English language or contain an English translation. The commissioner or the commissioner's designee may accept reasonable alternate documents to satisfy the requirements of this rule and IC 9.

(b) Primary group-acceptable United States documents are as follows:

(1) United States birth certificate with authenticating stamp or seal containing the applicant's date of birth, place of birth, and parent's names, issued by:

(A) a county department or county board of health from the applicant's state of birth;

(B) a state department or state board of health from the applicant's state of birth; or

(C) a verified delayed birth certificate.

(2) Certificate of naturalization/citizenship.

(3) Certification of report of birth (form DS-1350).

(4) U.S. consular report of birth (form FS-240).

(5) Birth certificates issued by United States territories, including American Samoa, Guam, Puerto Rico, and Virgin Islands.

(6) U.S. military/merchant marine identification card with photo.

(7) U.S. passport.

(8) U.S. veterans universal access identification card with photo.

(c) Primary group-acceptable immigration documents are as follows:

(1) Valid foreign passport with photo with a visa that includes a valid form I-94 indicating the authorized duration of stay in the United States.

(2) Valid foreign passport with a current visa that states "Upon Endorsement serves as Temporary I-551 evidencing Permanent Residence for 1-year".

(A) Canadian passports are not required to have a visa or a form I-94.

(B) Applicants from the Federated States of Micronesia, Palau, and the Republic of the Marshall Islands are not required to present a visa but must submit a form I-94.

(C) Passports with I-94 indicating F-1/F-2 status must provide a valid form I-20 ("Certificate of Eligibility"). For these applicants, the form I-20 serves as a secondary document.

(D) Passports with I-94 indicating J-1/J-2 status must be submitted with a valid form DS-2019 ("Certificate of Eligibility"). For these applicants, the form DS-2019 serves as a secondary document.

(3) Authorization for parole of an alien into the United States (form I-512).

(4) Employment authorization card (I-688B).

(5) Employment authorization card (I-766).

(6) Form I-94 stamped with "Section 207" refugee status.

(7) Form I-94 stamped with "Section 208" asylum status.

(8) Permanent resident card (I-551).

(9) Temporary I-551 stamp on a passport.

(10) Temporary resident card (I-688).

(11) Travel document (I-131).

(12) An I-797 “Notice of Action” indicating an applicant’s approval may be used to extend the validity of an original primary document.

(d) Secondary group-acceptable documents are as follows:

- (1) Certified academic transcripts from schools in the United States and its territories.**
- (2) School report cards dated within twelve (12) months of application.**
- (3) School identification card with photo or yearbook photo within three (3) years of application.**
- (4) An identification card with photo issued by a foreign consulate.**
- (5) An identification card with photo issued by the federal government.**
- (6) An Indiana identification card.**
- (7) Driver’s license, identification card, or permit with photo issued by another state.**
- (8) Original driving record from another state.**
- (9) Valid form I-20 with a valid form I-94 and a F-1/F-2 status in passport.**
- (10) Valid form DS-2019 with a valid form I-94 and a J-1/J-2 status in passport.**
- (11) Indiana county presentence investigation report with clerk stamp or seal.**
- (12) Indiana gun permit.**
- (13) Indiana probation identification card with photo, name, and date of birth.**
- (14) Letter from probation officer, caseworker, or social worker on official letterhead, certified with stamp or seal, with the applicant’s name and signature of the probation officer, caseworker, or social worker.**
- (15) Prison release documentation.**
- (16) U.S. district court presentence investigation report with stamp or seal.**
- (17) Valid banking card or MasterCard, Visa, American Express, or Discover card issued in the name of the applicant with his or her signature.**
- (18) Bank statement issued within sixty (60) days of application.**
- (19) Form W-2 (federal or state) or Form 1099 with the applicant’s name and address.**
- (20) Computer-generated pay check stub with applicant’s name and address.**
- (21) Valid employee identification card with photo.**
- (22) Valid Indiana professional license.**
- (23) Valid insurance card.**
- (24) Medicare or Medicaid card.**
- (25) U.S. military discharge or DD214 separation papers.**
- (26) U.S. Uniformed Services Card.**
- (27) Divorce decree certified by court of law with stamp or seal.**
- (28) Application of marriage or record of marriage that is certified with stamp or seal.**
- (29) Applicants under eighteen (18) years of age making application for an Indiana identification card may present acceptable Social Security documentation as his or her secondary document.**

(e) Any document from the list in the primary or secondary group may be used as proof of Indiana residency along with the following documents, as long as the document contains the applicant’s name and residential address. A post office box is not an acceptable residential address.

- (1) Child support check stub from the Indiana family and social services administration with name and address of the applicant.**
- (2) Change of address confirmation (form CNL107) from the U.S. Postal Service listing the applicant’s old and new address.**
- (3) Bill or benefit statement issued within sixty (60) days of application.**
- (4) Indiana driver’s license, identification card, or permit with photo.**
- (5) Indiana surveyor report.**
- (6) Indiana residency affidavit.**
- (7) Voter registration card.**
- (8) Valid Indiana vehicle or watercraft title or registration.**

(f) Under IC 9-24-9-2, each application for a license or permit must require a Social Security number. Acceptable documents to verify an applicant’s Social Security number are the following:

- (1) Social Security card.**
- (2) Social Security card bearing the legend “Valid for Work Only with DHS Authorization”.**
- (3) Social Security card bearing the legend “Not Valid for Employment”.**

(4) Letter verifying the applicant's Social Security number issued in the applicant's name and signed and stamped by the Social Security Administration.

(5) Numident report stamped and issued in the applicant's name by the Social Security Administration.

(Bureau of Motor Vehicles; 140 IAC 7-4-3)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 24, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing on proposed standards for operator's licenses and identification cards for nondrivers.

This proposed rule does not impose any requirement or costs on a regulated entity not expressly required by state or federal law.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

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