State of Indiana

Bureau of Motor Vehicles

Dureau of Motor Acuteres	
	Matter of Case No. 15-IL-099
DLN:	
	FINAL ORDER
Î.	This matter comes before me as a result of a hearing request filed by Petitioner by mail on October 29, 2015 seeking administrative review of a decision by the Indiana Bureau of Motor Vehicles ("BMV"). The BMV denied the issuance of an Indiana driver's license due to outstanding issues with driving privileges in the state of Illinois.
2.	This matter was referred to Administrative Law Judge ("ALJ") Steven Sams, Esq., per Indiana Code § 4-21.5-3-27(a) for review and issuance of a Recommended Order. An administrative hearing was held on December 8, 2015 and a Recommended Order was issued on December 16, 2015. The Recommended Order held that the denial of the driver's license issuance was proper in light of the outstanding issues in Illinois.
3.	On January 7, 2016, the BMV received a handwritten appeal from via mail. requested another telephone hearing, seeking a "temporary hardship license" until he can resolve the outstanding issues in Illinois so that he can travel to and from work. Essentially, letter amounts to an objection to the Recommended Order. Per Indiana Code § 4-21.5-3-29, an objection to the ALJ's Recommended Order must: (1) identify the basis of the objection with reasonable particularity; and (2) be filed with the BMV's Commissioner within eighteen (18) days. If filed this appeal within the requisite 18-day period; failed to identify the basis of his objection with reasonable particularity. While I am sympathetic to circumstances, all individuals seeking reconsideration must comply with Indiana Code § 4-21.5-3-29, regardless of whether they are represented by counsel, or proceed on a pro se basis.
4,	Procedural deficiencies aside, upon review of the driving record, it appears that has one (1) outstanding revocation and two (2) indefinite suspensions in Illinois.
5.	Pursuant to Indiana Code § 9-28-1-3, Indiana adopts the Driver License Compact ("Compact"), Specifically, the Compact provides that:

¹ Notably, Indiana Code § 9-24 sets forth the types of credentials statutorily permitted to be issued by Indiana's BMV; there is no statutory authority for temporary or hardship licenses.

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

- (1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.
- (2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one (1) year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the highways.

Ind. Code § 9-28-1-6 (emphasis added).

- 6. Accordingly, I find that there is sufficient information on the record to substantiate the ALJ's Recommended Order as to the ultimate outcome regarding issuance of an Indiana operator's license to
- 7. Therefore, per my authority under Indiana Code § 4-21.5-3-29(b), I am AFFIRMING the Recommended Order. The BMV properly denied issuance of a driver's license to due to the Illinois revocation and outstanding indefinite suspensions.

SO ORDERED.

2/9/16

Date

Kent W. Abernathy, Compressioner

Indiana Bureau of Motor Vehicles

Written notice of this Order shall be provided to:

Indiana Bureau of Motor Vehicles