

STATE OF INDIANA
BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:) Case No. 17-IL-061
[REDACTED])
DLN: [REDACTED])

FINAL ORDER

1. On September 1, 2017, [REDACTED] ("Petitioner") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") denial of a credential issuance.
2. The matter was referred to Administrative Law Judge Steven Sams ("ALJ") for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on November 28, 2017. The BMV was represented by Staff Attorney Natalie Huffman.
3. The hearing was recorded. Witnesses were sworn. The BMV and Petitioner proffered testimony and offered exhibits into evidence.
 - a. Petitioner was denied an Indiana credential after the BMV search of the National Driver Register revealed that the Petitioner has one unresolved revocation in the State of Michigan, with an effective date of April 22, 2011, in regard to an "Accumulation of Convictions."
 - b. Petitioner's Certified Driver's Record was admitted into evidence without objection.
 - c. Correspondence between the BMV and the State of Michigan was admitted into evidence that provided the steps Petitioner needed to complete in order to remove the revocation from her driving record.
 - d. Petitioner testified that she was convicted of driving under the influence in 2003 and 2004. Petitioner provided that she currently attends Alcoholics Anonymous meetings.
4. On December 5, 2017, ALJ Sams issued a written Recommended Order that affirmed BMV's action of denying Petitioner's request for a credential.
5. On December 14, 2017, Petitioner requested a reconsideration of the Recommended Order. Petitioner requested leniency in order to allow her to complete the necessary objectives to address the deficiencies in her driving record. Petitioner provided that she has two jobs and regularly attends Alcoholics Anonymous meetings. Her inability to obtain a driver's license has created hardships for her in attending work and said meetings.

6. The pending Michigan revocation involved has an effective date of greater than one year and therefore, pursuant to Article 5 of the Driver's License Compact, said revocation may be waived in assessing eligibility for the issuance of an Indiana credential.
7. Petitioner's last motor vehicle offense occurred in 2009, a Driving while Suspended conviction that occurred in Michigan. Her two prior operating under the influence convictions occurred in 2003 and 2004.
8. Petitioner previously had a Commercial Driver's License, which she has previously voluntarily surrendered. Petitioner only seeks an operator's license.
9. Pursuant to I.C. 4-21.5-3-29(b), I hereby AMEND the ALJ's December 5, 2017 Recommended Order. The amended order shall provide
 - a. The actions of the BMV are affirmed. However, due to the effective dates of the revocation, Petitioner shall be eligible for the issuance of a non-CDL Indiana credential so long as she meets all other eligibility requirements. Petitioner is ineligible to receive a CDL until such time as she meets all of the requirements pertaining to the Michigan revocation.
10. Petitioner is hereby notified that this is a Final Order. Petitioner may seek judicial review of this Final Order pursuant to I.C. 4-21.5-5.

SO ORDERED.

4 Feb 2018
Date

Peter L. Lacy
Peter L. Lacy, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles