Special Processes & Procedures

Processing Motor Vehicle Violations

SR16 / BMV Court Record Abstracts

Contact: Annette Page; email: annette.page@courts.in.gov

Processing abstracts of motor vehicle traffic violations is an important function of trial court clerks. Not only is this function important to the administration of justice, but it is also necessary for the state to remain in substantial compliance with the Federal Motor Carrier Safety Act of 1999. Failure to remain in substantial compliance with federal rules and regulations could result in Indiana losing millions of dollars of federal highway funding.

The accurate and timely reporting of court actions to the Bureau of Motor Vehicles (BMV) assures that suspensions are properly instituted or terminated and that driving records are accurately assessed and available to law enforcement authorities. Federal rules require courts and clerks to report serious traffic violations by commercial drivers to the BMV promptly after conviction so that the BMV can notify the licensing agency in the driver's home state of the conviction within 10 days of conviction. Indiana law requires courts to report traffic offenses, other than non-moving violations, within 10 days of conviction. Accuracy is paramount on the SR16 since the BMV is not a party to the litigation and will not know if an error has been made.

An SR16 is the BMV's Abstract of Court Record form that is used by courts to notify the BMV that a driver has:

- been convicted,
- been granted Specialized Driving Privileges (SDP) on the instant conviction,
- failed to appear (FTA), or
- failed to pay (FTP) a citation

involving a violation of a motor vehicle traffic law.

- SR16s are typically sent electronically to the BMV through the INcite/BMV application. If the courts cannot electronically transmit the documents from the

INcite/BMV application to the BMV, the courts may send the documents to the BMV for processing via email or fax: email address is **courtdocuments@bmv.in.gov** or fax to **(317) 233-5153**. The SR16 allows the BMV to impose administrative driving privilege suspensions and to record court ordered driving privilege suspensions. The driving privilege suspensions for Failure to Appear (FTA) are indefinite suspension and can only be sent for misdemeanor, felony and juvenile cases if the defendant is an Indiana resident. An FTA may be sent for all traffic cases for a defendant that is not an Indiana resident. Failure to Pay (FTP) suspensions can only be issued for a moving traffic offense as defined by Ind. Code § 9-13-2-110 or a traffic infraction listed in 140 IAC 1-4.5-10. Additionally, the FTP suspension is no longer indefinite. It is a three-year suspension beginning thirty (30) days after the date the notice of suspension is mailed by the BMV to the defendant. The FTA and FTP suspensions may be closed as follows: For FTAs, a Re-Open SR16 is sent that the defendant has appeared, and a final judgment determined, or

- For FTPs, a Payment SR16 is sent that the defendant has now satisfied all fines and court costs, or the suspension can be closed by the BMV after the FTP suspension has been in effect for 3 years.

The Probable Cause Affidavit can be used to send SDP for Pre-Conviction if SDP was granted on a Probable Cause Failure or Pending suspension. Once a conviction (SR16) for the charge(s) is sent to the BMV to record conviction, the court can delete or terminate the PC (Post Conviction) SDP by entering the correct BMV event (BMVSDPPCT to terminate or BMVSDPPCD to delete) in Odyssey before adding the court disposition. If the SDP is granted at the time of conviction, enter BMVSR16SDP in Odyssey before entering the disposition. If SDP is granted post-conviction on a specific case, the original SR16 can be amended in the INcite/BMV Portal to send the SDP information to the BMV. If it is granted for an MI case, the SDP order must be sent to the BMV either by email at courtdocuments@bmv.in.gov or fax to (317) 233-5153. The Court Abstract Transmission System (CATS) Technical Manual was prepared by the BMV to assist trial court clerks in processing the SR16 form. Included in this technical manual are instructions for submission of an SR16. Questions regarding this form should be addressed to the BMV by email at bmvcourts@bmv.in.gov or by telephone at (317) 234-6382. To access these BMV documents, login to the INcite/BMV Portal, hover over the “Documents” tab, and select INcite BMV Portal.

In an infraction or ordinance violation case, when a defendant fails to appear (FTA) and an appearance is not compulsory, the case remains pending until payment is made, and/or an adjudication is entered. **For statistical reporting purposes**, the case is shown as pending on the Quarterly Case State Report (QCSR) until the case has been disposed of.

In an infraction or ordinance violation case, when a defendant fails to pay (FTP), the case is reported as disposed of on the QCSR. The case is not reported again even if a defendant later pays

The Statistical Closure categories of FTA or FTP are used even if the court sends the case to the Indiana Bureau of Motor Vehicles after the defendant's failure to appear or pay. The FTA and FTP Statistical Closure categories apply only to infractions and ordinance violations. It does not apply to criminal cases or other types of civil cases.

Questions regarding statistical reporting should be addressed to the Indiana Office of Court Services at 317-232-2542.