

**TITLE 140 BUREAU OF MOTOR VEHICLES****Final Rule**

LSA Document #08-215(F)

**DIGEST**

Amends [140 IAC 1-1](#), administrative hearings, in accordance with [IC 4-21.5-3](#) and [IC 4-21.5-4](#). Amends [140 IAC 1-2](#) and [140 IAC 1-7](#) providing proof of financial responsibility in accordance with [IC 9-25](#). Amends [140 IAC 1-4.5](#), point system, in accordance with [IC 9-14-1](#), [IC 9-14-2-1](#), and [IC 9-14-2-2](#). Amends [140 IAC 1-8](#) establishing standards for ignition interlock devices in accordance with [IC 9-30-8-3](#). Amends [140 IAC 2](#) concerning registrations and license plates, 60 day registration and license plates, customers desiring to switch to a different license plate design all in accordance with [IC 9-18](#) and [IC 9-19-3](#), and staggered registration dates to motor vehicles described in [IC 9-18-2-7\(a\)\(2\)](#). Amends [140 IAC 2-4](#), special group license plates, in accordance with [IC 9-18-25](#). Adds [140 IAC 2-5](#) concerning personalized license plates in accordance with [IC 9-18-2](#), [IC 9-18-15](#), and [IC 9-18-25](#). Amends [140 IAC 4-2-1](#) concerning waiver of age and experience requirements for obtaining a driver's license in accordance with [IC 9-24-3](#), [IC 9-24-4](#), and [IC 9-27-4](#). Adds rules clarifying when a person who renews the person's chauffeur's license must obtain the person's medical examination in accordance with [IC 9-24-5-1](#). Amends [140 IAC 4-4](#), driver education courses, for clarity purposes in accordance with [IC 9-24-10-4](#). Adds [140 IAC 4-5](#) for establishing the testing requirements for a person applying to renew the person's expired driver's license depending on the length of the expiration period in accordance with [IC 9-24-10](#) and [IC 9-24-11](#). Amends [140 IAC 6](#) for clarity and in accordance with [IC 9-17](#), [IC 9-18-8](#), [IC 9-22-3](#), [IC 9-29-4](#), and [IC 29-1-8-1](#). Amends [140 IAC 7-2](#), motorcycle operator licensing, to clarify testing procedures and fee distribution to the test examiners in accordance with [IC 9-24-8-2](#), [IC 9-24-8-4](#), and [IC 9-29-9-12](#). Amends [140 IAC 7-3](#), commercial driver's licensing, to add clarity and to conform to federal regulations in accordance with [IC 9-24-1](#), [IC 9-24-11](#), [IC 9-24-6](#), [IC 9-27-4](#), and 49 CFR 383-384. Amends [140 IAC 8-1](#) to add clarity and update policies in accordance with [IC 9-16-4](#). Amends [140 IAC 8-3](#) for clarity and to delete fees for discontinued services, such as selling nuts and bolts for license plates, in accordance with [IC 9-16-1](#), [IC 9-17-2](#), and [IC 9-29](#). Adds rules for procedures and fees for dishonored or rejected payments in accordance with [IC 6-6-5-12](#), [IC 9-14-2-2](#), [IC 9-30-12-5](#), and [IC 35-43-5-5](#). Amends [140 IAC 9](#), watercraft titles and registrations, and boat dealers to standardize the definitions' format, add clarity, and to conform to updated small estate size limits in accordance with [IC 6-1.1](#), [IC 6-2.5](#), [IC 6-6-11](#), [IC 9-13-2](#), [IC 9-29-15-2](#), [IC 9-31-1](#), [IC 9-31-2](#), [IC 9-31-3](#), and [IC 9-31-4](#). Repeals [140 IAC 1-1-5](#), [140 IAC 1-1-7](#), [140 IAC 1-1-9](#), [140 IAC 1-1-10](#), [140 IAC 1-1-12](#), [140 IAC 1-2-1](#), [140 IAC 1-2-2](#), [140 IAC 1-2-3](#), [140 IAC 1-4.5-1](#), [140 IAC 1-4.5-6](#), [140 IAC 1-5](#), [140 IAC 1-7-1](#), [140 IAC 1-7-7](#), [140 IAC 1-8-2](#), [140 IAC 2-1-1](#), [140 IAC 2-1-8](#), [140 IAC 2-1-9](#), [140 IAC 2-1-10](#), [140 IAC 2-3-4](#), [140 IAC 2-3-7](#), [140 IAC 2-4-3](#), [140 IAC 2-4-8](#), [140 IAC 3-4-1](#), [140 IAC 3-4-2](#), [140 IAC 3-5-1](#), [140 IAC 4-4-4](#), [140 IAC 4-4-5](#), [140 IAC 5-1](#), [140 IAC 6-1-1](#), [140 IAC 6-1-6](#), [140 IAC 6-1-7](#), [140 IAC 6-1-8](#), [140 IAC 6-1-9](#), [140 IAC 6-1-10](#), [140 IAC 6-1-11](#), [140 IAC 6-1-12](#), [140 IAC 6-1-15](#), [140 IAC 6-1-16](#), [140 IAC 6-1-17](#), [140 IAC 6-1-18](#), [140 IAC 6-1-19](#), [140 IAC 6-1-20](#), [140 IAC 7-2-1](#), [140 IAC 7-2-2](#), [140 IAC 7-2-3](#), [140 IAC 7-2-4](#), [140 IAC 7-2-12](#), [140 IAC 7-3-1](#), [140 IAC 7-3-3](#), [140 IAC 7-3-5](#), [140 IAC 7-3-6](#), [140 IAC 7-3-8](#), [140 IAC 7-3-11](#), [140 IAC 7-3-12](#), [140 IAC 7-3-15](#), [140 IAC 7-3-16](#), [140 IAC 7-3-17](#), [140 IAC 7-3-19](#), [140 IAC 7-3-20](#), [140 IAC 7-4-1](#), [140 IAC 7-4-2](#), [140 IAC 8-1-2](#), [140 IAC 8-1-3](#), [140 IAC 8-2-1](#), [140 IAC 8-2-2](#), [140 IAC 8-2-3](#), [140 IAC 8-2-4](#), [140 IAC 8-3-6](#), [140 IAC 8-3-7](#), [140 IAC 9-1-2](#), [140 IAC 9-1-6](#), [140 IAC 9-1-8](#), [140 IAC 9-1-17](#), [140 IAC 9-1-20](#), [140 IAC 9-1-22](#), [140 IAC 9-2-1](#), [140 IAC 9-2-2](#), [140 IAC 9-2-3](#), [140 IAC 9-2-4](#), [140 IAC 9-2-5](#), [140 IAC 9-2-6](#), [140 IAC 9-2-8](#), [140 IAC 9-2-9](#), [140 IAC 9-2-10](#), [140 IAC 9-2-11](#), [140 IAC 9-2-12](#), [140 IAC 9-2-13](#), [140 IAC 9-2-14](#), [140 IAC 9-2-15](#), [140 IAC 9-2-16](#), [140 IAC 9-2-17](#), [140 IAC 9-2-18](#), [140 IAC 9-2-19](#), [140 IAC 9-2-20](#), [140 IAC 9-2-23](#), [140 IAC 9-2-24](#), [140 IAC 9-2-25](#), [140 IAC 9-2-26](#), [140 IAC 9-2-27](#), [140 IAC 9-4-2](#), [140 IAC 9-4-3](#), [140 IAC 9-4-4](#), and [140 IAC 9-4-7](#). Effective 30 days after filing with the Publisher.

[140 IAC 1-1-1.5](#); [140 IAC 1-1-2.5](#); [140 IAC 1-1-3](#); [140 IAC 1-1-5](#); [140 IAC 1-1-5.5](#); [140 IAC 1-1-6](#); [140 IAC 1-1-7](#); [140 IAC 1-1-8](#); [140 IAC 1-1-9](#); [140 IAC 1-1-10](#); [140 IAC 1-1-11](#); [140 IAC 1-1-12](#); [140 IAC 1-2-1](#); [140 IAC 1-2-2](#); [140 IAC 1-2-3](#); [140 IAC 1-2-4](#); [140 IAC 1-2-7](#); [140 IAC 1-4.5-1](#); [140 IAC 1-4.5-3](#); [140 IAC 1-4.5-4](#); [140 IAC 1-4.5-5](#); [140 IAC 1-4.5-6](#); [140 IAC 1-4.5-7](#); [140 IAC 1-4.5-8](#); [140 IAC 1-5](#); [140 IAC 1-7-1](#); [140 IAC 1-7-2](#); [140 IAC 1-7-3](#); [140 IAC 1-7-4](#); [140 IAC 1-7-5](#); [140 IAC 1-7-6](#); [140 IAC 1-7-7](#); [140 IAC 1-7-8](#); [140 IAC 1-8-0.5](#); [140 IAC 1-8-1](#); [140 IAC 1-8-2](#); [140 IAC 1-8-3](#); [140 IAC 2-1-0.5](#); [140 IAC 2-1-1](#); [140 IAC 2-1-2](#); [140 IAC 2-1-3](#); [140 IAC 2-1-8](#); [140 IAC 2-1-9](#); [140 IAC 2-1-9.5](#); [140 IAC 2-1-10](#); [140 IAC 2-1-11](#); [140 IAC 2-1-12](#); [140 IAC 2-1-13](#); [140 IAC 2-1-14](#); [140 IAC 2-1-15](#); [140 IAC 2-1-16](#); [140 IAC 2-1-17](#); [140 IAC 2-1-18](#); [140 IAC 2-2-1](#); [140 IAC 2-2-2](#); [140 IAC 2-2-3](#); [140 IAC 2-3-1](#); [140 IAC 2-3-2](#); [140 IAC 2-3-3](#); [140 IAC 2-3-4](#); [140 IAC 2-3-5](#); [140 IAC 2-3-6](#); [140 IAC 2-3-7](#); [140 IAC 2-4-1](#); [140 IAC 2-4-2](#); [140 IAC 2-4-3](#); [140 IAC 2-4-3.5](#); [140 IAC 2-4-4](#); [140 IAC 2-4-5](#); [140 IAC 2-4-6](#); [140 IAC 2-4-8](#); [140 IAC 2-4-9](#); [140 IAC 2-4-10](#); [140 IAC 2-5](#); [140 IAC 3-4-1](#); [140 IAC 3-4-2](#); [140 IAC 3-5-1](#); [140 IAC 4-2-1](#); [140 IAC 4-4-2](#); [140 IAC 4-4-3](#); [140 IAC 4-4-4](#); [140 IAC 4-4-5](#); [140 IAC 4-4-6](#); [140 IAC 4-4-7](#); [140 IAC 4-4-8](#); [140 IAC 4-4-9](#); [140 IAC 4-4-10](#); [140 IAC 4-4-11](#); [140 IAC 4-5](#); [140 IAC 5-1](#); [140 IAC 6-1-0.5](#); [140 IAC](#)

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SECTION 1. [140 IAC 1-1-1.5](#) IS ADDED TO READ AS FOLLOWS:

## ARTICLE 1. SAFETY AND RESPONSIBILITY

### [140 IAC 1-1-1.5](#) Definitions

Authority: [IC 4-21.5-3-35](#); [IC 9-14-2-2](#)

Affected: [IC 4-21.5](#); [IC 9-13](#); [IC 9-14-3.5-6](#); [IC 9-30-3-14](#); [IC 9-30-10-3](#)

Sec. 1.5. (a) The definitions in this section apply throughout this article.

(b) "Administrative law judge" has the meaning set forth in [IC 4-21.5-1-2](#).

(c) "Bureau" has the meaning set forth in [IC 9-13-2-16](#).

(d) "Certificate of compliance" has the meaning set forth in [IC 9-13-2-19](#).

(e) "Commission" has the meaning set forth in [IC 9-13-2-32](#).

(f) "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).

(g) "Conviction" has the meaning set forth in [IC 9-13-2-38](#).

(h) "Digital image conflict" means situations in which a person's record contains two (2) or more images that appear to be of different people.

(i) "Driver's license" has the meaning set forth in [IC 9-13-2-48](#).

(j) "Final agency action" has the meaning set forth in [IC 4-21.5-1-6](#).

(k) "Hearing" means a proceeding as set forth in [IC 4-21.5-1-13](#) conducted by a bureau designated hearing officer.

(l) "Hearing officer" means "administrative law judge" as set forth in [IC 4-21.5-1-2](#).

(m) "Insured" has the meaning set forth in [IC 9-13-2-82](#).

(n) "Judgment" has the meaning set forth in [IC 9-13-2-89](#).

(o) "Order" has the meaning set forth in [IC 4-21.5-1-9](#).

(p) "Motor vehicle liability policy" has the meaning set forth in [IC 9-13-2-106](#).

(q) "Motor vehicle record" has the meaning set forth in [IC 9-14-3.5-4](#).

(r) "Moving traffic offense" has the meaning set forth in [IC 9-30-3-14](#).

(s) "Party" has the meaning set forth in [IC 4-21.5-1-10](#).

(t) "Person" has the meaning set forth in [IC 9-13-2-124](#).

(u) "Points" means the numerical values assigned for various traffic convictions and judgments that are assessed against a driver's record.

(v) "Points accumulation hearing" means a hearing conducted to address a driver's acquisition of points.

(w) "Proceeding" has the meaning set forth in [IC 4-21.5-1-13](#).

(x) "Proof of financial responsibility" has the meaning set forth in [IC 9-13-2-139](#).

(y) "Record" has the meaning set forth in [IC 9-14-3.5-6](#).

(z) "Registrant" means an individual who is registering a vehicle with the state of Indiana.

(aa) "Self-insurance administrator" means the person that the self-insurer designates to be responsible for conducting business on behalf of the self-insurance program.

(bb) "Violation" has the meaning set forth in [IC 9-30-10-3](#).

*(Bureau of Motor Vehicles; [140 IAC 1-1-1.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 2. [140 IAC 1-1-2.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 1-1-2.5](#) Conduct of proceedings and hearings**

**Authority:** [IC 4-21.5-3-35](#); [IC 9-14-2-2](#); [IC 9-30-4-14](#)

**Affected:** [IC 4-21.5-3](#); [IC 9](#)

**Sec. 2.5.** The proceedings and hearings process conducted under this article shall follow the procedures set forth in [IC 4-21.5-3](#) except as otherwise provided in this article or [IC 9](#).

*(Bureau of Motor Vehicles; [140 IAC 1-1-2.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 3. [140 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

### **140 IAC 1-1-3 Attorney appearances and service**

**Authority:** [IC 9-14-2-2](#); [IC 9-30-4-14](#)

**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~~ **authorized to represent a party, or a witness appearing on a party's behalf**, 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~~ **If an attorney represents a party with regard to a particular administrative cause, proceeding, the attorney must file a written notice of appearance with the bureau providing the following information:**

**(1) A statement that the party has authorized the attorney to appear on the party's behalf.**

**(2) The attorney's name, address, and telephone number, and the fax number and electronic mail address (e-mail) if available.**

(c) ~~Whenever the bureau receives notice that an attorney represents a party with regard to a proceeding, all related bureau 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 party's 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 4. [140 IAC 1-1-5.5](#) IS ADDED TO READ AS FOLLOWS:

### **140 IAC 1-1-5.5 Continuances**

**Authority:** [IC 9-14-2-2](#); [IC 9-30-4-14](#)

**Affected:** [IC 9-24](#); [IC 9-25](#); [IC 9-30](#)

Sec. 5.5. (a) A party may request to continue a hearing only if:

**(1) the request is made in the form of a motion submitted to the bureau in duplicate;**

**(2) the request is timely made prior to the scheduled hearing or other deadline; and**

**(3) good cause is shown.**

(b) A continuance granted prior to the hearing automatically extends the time during which the hearing must be held.

(c) The hearing officer may award costs to reimburse a party for the actual expenses that the party incurred from any undue delay of the hearing that the other party caused.

*(Bureau of Motor Vehicles; [140 IAC 1-1-5.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 5. [140 IAC 1-1-6](#) IS AMENDED TO READ AS FOLLOWS:

### **140 IAC 1-1-6 Admissibility and presentation of evidence**

**Authority:** [IC 4-21.5-3-35](#); [IC 9-14-2-2](#); [IC 9-30-4-14](#)

**Affected:** [IC 4-21.5-3-6](#); [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 **in a hearing to attack** collaterally ~~attaek~~ 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 **bureau's** 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~~ **information that appears** on the face thereof. **of the records.**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 6. [140 IAC 1-1-8](#) IS AMENDED TO READ AS FOLLOWS:

#### [140 IAC 1-1-8](#) Presiding officer; powers

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-14-3](#); [IC 9-24-10](#); [IC 9-25](#); [IC 9-30](#)

Sec. 8. (a) The hearing officer shall have the following hearing powers **make recommendations to the commissioner or his or her designee that, based on the hearing officer's findings of fact, and in accordance with the provisions of the applicable statutes, the party's current driver's license be:**

- (1) To report to the commissioner that, based on such findings of fact, the respondent's current driving license has been:
  - (A) **(1)** suspended, or revoked, **or invalidated** for any period not exceeding one (1) year;
  - (B) **(2)** placed under on probation conditioned upon respondent's **the party's** future good driving and driving good behavior for any period not exceeding one (1) year;
  - (C) **(3)** 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, **(4)** suspended, or restricted, **or invalidated** for an indeterminate period of time until respondent will have **the party has** taken and passed a written driving examinations or actual **examination and driving tests or has skills test, appeared for a hearing, or** produced medical reports sufficient to assure the commissioner of the bureau of motor vehicles that respondent **the party** 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.~~

**(5) invalidated in order to preserve the integrity of the driver's motor vehicle record in cases of suspected identity theft if a party fails to appear for a digital image conflict hearing;**

**(6) invalidated if the party fails to appear for a medical hearing after the hearing officer reviews the evidence presented at the medical hearing based on the recommendation of the Indiana driver license medical advisory board; or**

**(7) invalidated if the party does not object to the proposed invalidation.**

**(b) For a recommendation made for a points accumulation hearing held under [140 IAC 1-4.5-4](#), the hearing officer may do the following:**

**(1) Consider all convictions or judgments listed on the party's motor vehicle record that led to the points accumulation.**

**(2) Consider the number of miles the party drove during the period in which the excessive points were accumulated.**

**(3) Consider any other factors that:**

**(A) might have affected the party's points accumulation; or**

**(B) might affect the party's future driving habits.**

**(4) Recommend one (1) or more of the following:**

**(A) Suspend a party's driving privileges for up to one (1) year or place them on probation for up to one (1) year, or both, provided, however, that a combined period of suspension and probation does not exceed one (1) year.**

**(B) Require a party to submit to an examination, in accordance with [IC 9-24-10](#).**

**(C) Require a party to attend and satisfactorily complete a driver improvement course.**

**(c) The hearing officer shall make any other determinations, take any other actions, and make any other recommendations to the commissioner or his or her designee as authorized by law.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 7. [140 IAC 1-1-11](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 1-1-11](#) Final orders; objections to recommended orders; judicial reviews**

**Authority: [IC 9-14-2-2](#)**

**Affected: [IC 4-21.5-3-29](#); [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, ~~recommended order~~ shall constitute the ~~become~~ a final order of determination of the administrative cause. ~~if the bureau does not receive a written objection to the recommended order within fifteen (15) days of the service of the order, or within eighteen (18) days if the bureau serves the order through the United States mail.~~

~~(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.~~

(b) If a hearing officer makes findings of fact and a recommended order to suspend a party's driver's license or permit, such suspension period shall begin on the date the hearing officer determines.

(c) Upon receiving a timely objection to a recommended order, the commissioner or his or her designee shall affirm, modify, or replace the recommended order in a subsequent final order, or may remand the matter back to the hearing officer under [IC 4-21.5-3-29](#). The suspension of driving privileges shall remain in effect pending the commissioner or his or her designee's final order of any appeal brought under this section.

(d) The time for filing for judicial review of any final order shall be in accordance with [IC 4-21.5-3](#).

(e) A final order that suspends a party's driver's license or permit for an indefinite period shall be terminated, and the party's current driver's license or permit reinstated, upon the fulfillment of the requirements set forth in such order. If the party has been only partially successful in fulfilling the requirements set forth in such order, the hearing officer may, after due notice and conducting a hearing as prescribed in this rule, issue a recommended order that the party be permitted to drive a motor vehicle under restrictions suitable to the party's driving ability and in accordance with the party's motor vehicle record. The party must then obtain a restricted driver's license or permit, which reflects the final order's restrictions.

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 8. [140 IAC 1-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 1-2-4](#) Notification of proof of financial responsibility**

Authority: [IC 9-14-2-2](#); [IC 9-25-3-5](#)

Affected: [IC 9-25-4-3](#); [IC 9-25-4-7](#)

~~Sec. 4. PRESCRIBED FORM FOR FILING PROOF OF FINANCIAL RESPONSIBILITY. Any certificate or document intended to be filed that any insurance carrier provides 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 to an insured shall indicate that the carrier has specifically informed the insured driver of the cancellation restrictions imposed by these rules.~~  
**obligations established in [IC 9-25-4-3](#).**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 9. [140 IAC 1-2-7](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 1-2-7](#) Time limits on sending the request for evidence of financial responsibility**

Authority: [IC 9-14-2-2](#); [IC 9-25-3-5](#)

Affected: [IC 9-25-5-2](#); [IC 9-25-9-1](#); [IC 9-26-3-3](#); [IC 34-11-2-4](#); [IC 35-41-4-2](#)

Sec. 7. (a) To send out the request for evidence of financial responsibility, the bureau must receive the accident report or a copy of the accident report prescribed in [IC 9-25-5-2](#) or [IC 9-26-3-3](#) within three (3) years after the accident date.

(b) To send out the request for evidence of financial responsibility, the bureau must receive the certified abstract prescribed in [IC 9-25-9-1](#) (a)(1), or the judgment or abstract prescribed in [IC 9-25-9-1](#)



**(a)(2), within three (3) years of the date of conviction, judgment, or forfeiture of security deposit.**

(Bureau of Motor Vehicles; [140 IAC 1-2-7](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 10. [140 IAC 1-4.5-3](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 1-4.5-3](#) Points study committee**

**Authority:** [IC 9-14-2-2](#)

**Affected:** [IC 9-24-2-3](#)

Sec. 3. The ~~point~~ **commissioner shall appoint the members of the points** 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 **or his or her designee**. The commissioner **or his or her designee** shall act as ~~chairman~~ **chairperson** of the committee meetings. Meetings of the committee shall be set at such time and place as the commissioner **or his or her designee** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 11. [140 IAC 1-4.5-4](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 1-4.5-4](#) Points accumulation retention**

**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)~~ **(a)** Points assessed for any traffic violation shall become inactive twenty-four (24) months after the administrative assessment date or court conviction date.

~~(c)~~ **(b)** 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 **be required to appear**, upon notice from the bureau, ~~be cited for an administrative hearing.~~

~~(d)~~ **(c)** 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)~~ **(d)** 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; readopted filed Nov 14, 2007, 1:31 p.m.:

SECTION 12. [140 IAC 1-4.5-5](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **All convictions and judgments for traffic violation by an Indiana driver violations that a person with an Indiana driver's license commits** in any state shall be assessed against **recorded on** that driver's **person's** driving record.

(b) ~~These 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.~~ **The bureau will assess points shall to the driving record of a person with an Indiana's driver's license for those out-of-state convictions or judgments for traffic violations for which Indiana has a corresponding violation. The points will** be assessed as if the Indiana driver had been convicted or had a judgment entered against him **or her** for a violation pursuant to **under** Indiana law. **The bureau will not assess**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 13. [140 IAC 1-4.5-7](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 1-4.5-7](#) Driver safety program; 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~~ **a bureau approved driver safety program** 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.~~ **a bureau approved driver safety program.**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 14. [140 IAC 1-4.5-8](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **sanctions**, including suspension of ~~his or her~~ **the person's** driving privileges, even though they do **if the person does** not actually hold a valid **driver's** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 15. [140 IAC 1-7-2](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 1-7-2](#) Requests for self-insurance; issuance of self-insurance certificate and number; certificate renewal**

**Authority:** [IC 9-14-2-2](#)

**Affected:** [IC 9-25](#)

Sec. 2. (a) Any person ~~desiring~~ **applying** to qualify as a self-insurer **for the first time** must file a **the person's** request for **approval** 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~~ **the applicant wants the self-insurance** to be registered. **in effect.** 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~~ **self-insurance** administrator.

(2) The estimated number and ~~type~~ **types, which includes year, make, and model**, of vehicles to be self-insured.

(3) ~~A certification~~ **An oath or affirmation** by the **self-insurance** administrator, **on a bureau approved form**, that he **or she** shall discharge all **legal** 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~~ **The self-insurance administrator shall provide the bureau with a master list containing the name names and address addresses** of all persons who will be self-insured under a master ~~use such~~ self-insurance agreement. **to fulfill their financial responsibility requirements.**

(5) **After the bureau approves a request for self-insurance, the self-insurance administrator must provide the bureau with an updated master list of names and addresses every calendar month during which any change is made to the list.**

(b) The commissioner or his or her designee shall determine whether to approve a request for self-insurance.

(c) The commissioner or his or her designee shall issue a self-insurance certificate and a self-insurance number to any person approved to receive such a certificate.

(d) Self-insurance certificates shall be renewed on January 2 of each year.

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 16. [140 IAC 1-7-3](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 1-7-3](#) Financial collateral**

**Authority:** [IC 9-14-2-2](#); [IC 9-25-4-11](#)

**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 **additional** 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** or letters 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~~ **Financial collateral** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 17. [140 IAC 1-7-4](#) IS AMENDED TO READ AS FOLLOWS:

#### [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~~ **that** 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 **financial** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 18. [140 IAC 1-7-5](#) IS AMENDED TO READ AS FOLLOWS:

#### [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 **the self-insurer must provide** additional collateral above the minimum ~~amount may be required to be furnished~~ **amounts** if the number or dollar amount of claims incurred by the self-insurer is determined to be excessive ~~and~~ **or** could not be covered by the minimum requirements, **or both**. 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 19. [140 IAC 1-7-6](#) IS AMENDED TO READ AS FOLLOWS:

#### **[140 IAC 1-7-6](#) Master self-insurance certificates**

**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 **administrators** are responsible for issuing a copy of the agreement **master self-insurance certificate** to its members on a form furnished by the bureau. **who use self-insurance to fulfill their financial responsibility obligations.**

(b) The commissioner is authorized to **may** recover the ~~cost~~ **costs** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 20. [140 IAC 1-7-8](#) IS AMENDED TO READ AS FOLLOWS:

#### **[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 **or she** finds that:

- (1) the self-insurer has inadequate collateral or has judgments from motor vehicle claims ~~which~~ **that** 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 **the** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 21. [140 IAC 1-8-0.5](#) IS ADDED TO READ AS FOLLOWS:

#### **[140 IAC 1-8-0.5](#) Purpose and definitions**

Sec. 0.5. (a) The purpose of this rule is to establish standards and specifications for certification, installation, use, repair, and removal of ignition interlock breath alcohol devices.

(b) The following definitions shall apply throughout this rule:

- (1) "Alcohol" means the generic class of organic compounds known as alcohols and specifically the chemical compound ethyl alcohol. For the purpose of ignition interlock devices, there is no requirement expressed or implied that the device be specifically for ethyl alcohol.
- (2) "Authorized service provider" or "ASP" means the person or company meeting all qualifications outlined throughout this rule and approved and trained by the manufacturer to service, install, monitor, calibrate, and provide information on manufacturer's devices used in Indiana.
- (3) "Bogus sample" means any air sample that is altered, diluted, stored, or is filtered human breath, or which is obtained from a device such as, but not limited to, an air compressor, hot air dryer, balloon, or manual air pump, and is provided by an individual attempting to start or continue to operate a vehicle equipped with an IID.
- (4) "Breath or blood alcohol concentration" or "BAC" means the amount of alcohol in a person's breath sample submitted to an IID, which shall be measured by grams of alcohol per:
  - (A) one hundred (100) milliliters of blood; or
  - (B) two hundred ten (210) liters of breath.
- (5) "Circumvention" means the attempted or successful bypass of the proper functioning of an IID, including, but not limited to, the operation of a vehicle without a properly functioning IID, the push start of a vehicle equipped with an IID, disconnection or alteration of the IID, the introduction of a bogus sample other than a deep-lung sample from the driver of the vehicle, introduction of an intentionally contaminated or altered breath sample, continued operation of the interlock vehicle after the IID detects a fail level of breath alcohol.
- (6) "Fail level" means a BAC that meets or exceeds .02 or a lower level set by the originating court.
- (7) "Ignition interlock device" or "IID" has the meaning set forth in [IC 9-13-2-76](#).
- (8) "Lessee" means a person who has entered into an agreement with a manufacturer or ASP to lease an IID.
- (9) "Manufacturer" means the person, company, or corporation producing IIDs, and certifies service providers who are qualified to service, install, monitor, calibrate, and provide information on IIDs.
- (10) "Originating court" means the Indiana court that issued the order that requires an individual to operate only vehicles equipped with IIDs.
- (11) "Restricted operator" means a person whose driving privileges are restricted to operating only motor vehicles equipped with an approved, functioning IID.
- (12) "Tampering" means any act or attempt to disable or circumvent the legal operation of an IID.
- (13) "Violation reset" means the condition caused by the failure of the operator of a vehicle to perform a test or retest as required, or by the operator's inability to achieve such test or retest results at the lower of the maximum allowable alcohol concentration as set by the originating court or .02 BAC, the IID and the vehicle in which it is installed must be returned to the IID manufacturer or ASP to be reset.

(Bureau of Motor Vehicles; [140 IAC 1-8-0.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 22. [140 IAC 1-8-1](#) IS AMENDED TO READ AS FOLLOWS:

### [140 IAC 1-8-1](#) Minimum standards, specifications and features

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~~ **IIDs** shall order the installation of ~~devices~~ **IIDs** that **must** meet the following minimum standards and specifications **for the following**:

- ~~(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.~~

**(1) Features, as follows:**

**(A) The IID shall automatically render the vehicle inoperable if the result of the breath sample given to start the vehicle is at the fail level.**

**(B) The IID shall be designed to permit a restart within two (2) minutes of a vehicle's stalling or when the vehicle's ignition has been turned off.**

**(C) The IID shall automatically and completely purge residual alcohol before allowing subsequent tests.**

**(D) The IID shall be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.**

**(E) Each IID shall be provided with an ample supply of disposable mouth pieces designed to minimize the introduction of saliva into the IID.**

**(F) Each IID shall be uniquely serial numbered.**

**(G) Along with any other information required by the BMV or an originating court, all reports to an originating court concerning a particular IID shall include the name, address, and driver's license number of the lessee, the IID's unique serial number, and the name, address, telephone number (toll free), and contact person of the manufacturer or the ASP that is furnishing the report.**

**(H) Each IID shall record each time the vehicle is started, the results of the tests, how long the vehicle was operated, and any indication of bypassing or tampering with the device. Such information shall be included in reports to the originating court.**

**(I) Each IID shall require the operator of the vehicle to submit to a retest within ten (10) minutes of starting the vehicle. Retesting shall continue at intervals not to exceed sixty (60) minutes after the first retest.**

**(J) If a retest is not performed when called for by the IID, or if a breath sample is submitted that is at the fail level, the IID shall automatically enter a violation reset condition. An IID that enters a violation reset condition, and the vehicle in which it is installed, must be returned to the manufacturer or the ASP to be serviced within five (5) days or the vehicle must be rendered inoperable. The manufacturer or the ASP shall notify the originating court of such violation reset conditions in a format acceptable to the originating court within five (5) days of servicing the IID.**

**(2) IID security. The IID manufacturer and its ASP or ASPs shall take all reasonable steps necessary to prevent tampering or physical circumvention of the IID. These steps shall include the following:**

**(A) Special locks, seals, and installation procedures that prevent, and records evidence of, tampering or circumvention attempts, or both.**

**(B) The ASP will affix to the device a label containing the following notation: "Warning - This device has been installed under the laws of the State of Indiana. Attempts to disconnect, tamper with, or circumvent this device may subject you to civil and/or criminal penalties. For more information, call (insert manufacturer's or ASP's toll free number)."**

**(C) No owner or employee of a manufacturer or ASP may authorize or assist with the disconnection of an IID, or enable the use of any emergency bypass mechanism or any other bypass procedure that allows a person restricted to use the vehicle equipped with a functioning IID, to start or operate a vehicle without providing all required breath samples.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 23. [140 IAC 1-8-3](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 1-8-3](#) Device maintenance and reports; calibration; certification**

**Authority:** [IC 9-14-2-2](#); [IC 9-30-8-3](#)

**Affected:** [IC 9-30-5](#); [IC 9-30-6](#); [IC 9-30-8](#)

**Sec. 3. (a) Each lessee shall have the IID examined by the manufacturer or by an ASP for correct calibration and evidence of tampering at intervals not to exceed sixty-five (65) days, or more often as may be ordered by the originating court.**

(b) The IID must be calibrated for accuracy according to the manufacturer's procedures. All data contained in the device's memory must be downloaded and the manufacturer or the ASP, or both, shall make a hard copy or electronic equivalent of the client data and the results of each examination. Any evidence of noncompliance, violations, or signs of tampering or circumvention shall be reported as requested by and in a format acceptable to the originating court. All information obtained from each inspection shall be retained by the manufacturer or ASP for two (2) years from the date the IID is removed from the vehicle.

(c) Each IID must be capable of being preset, by the manufacturer or by an ASP, at any fail level from .02 through .08 BAC (plus or minus .005 BAC). The actual setting of each IID, unless otherwise mandated by the originating court, shall be .02 BAC. The capability to change this setting shall be made secure by the manufacturer or by an ASP.

(d) Each IID must meet or exceed the minimum test standards in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 – 11787\*, or as rules are adopted.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Bureau of Motor Vehicles; [140 IAC 1-8-3](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 24. [140 IAC 2-1-0.5](#) IS ADDED TO READ AS FOLLOWS:

## ARTICLE 2. EXCISE TAX AND REGISTRATION

### [140 IAC 2-1-0.5](#) Definitions

Authority: [IC 9-13-2-58](#); [IC 9-14-2-2](#)

Affected: [IC 6-6-5-1](#); [IC 6-6-5-4](#); [IC 9-13-2](#); [IC 9-16](#); [IC 9-18-2-8](#); [IC 9-18-2-20](#); [IC 9-25-2-3](#); [IC 9-29-5-6](#)

Sec. 0.5. (a) The definitions in this section apply throughout this article.

(b) "Annual record update fee" pertains to permanent registrations under [IC 9-29-5-6](#).

(c) "Apportioned plate" means a license plate issued pursuant to the international registration plan.

(d) "Bureau" has the meaning set forth in [IC 9-13-2-16](#).

(e) "Certificate of origin" means the original ownership document for a vehicle that the vehicle's manufacturer issues to the initial purchaser of that vehicle.

(f) "Certificate of registration" refers to the document that evidences that a vehicle was registered, and issued under [IC 9-18-2-20](#).

(g) "Commercial motor vehicle" has the meaning set forth in [IC 9-13-2-31](#).

(h) "Commission" has the meaning set forth in [IC 9-13-2-32](#).

(i) "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).



- (j) "Excise tax" has the meaning set forth in [IC 6-6-5](#).
- (k) "International registration plan" or "IRP" has the meaning set forth in [50 IAC 4.2-15-13](#).
- (l) "Factory advertised delivered price" or "FADP" means the price at which the manufacturer recommends a dealer sells a vehicle.
- (m) "License branch" means the offices that the commission authorizes to conduct business under [IC 9-16](#).
- (n) "Military vehicle" has the meaning set forth in [IC 9-13-2-103](#).
- (o) "Owner" has the meaning set forth in [IC 9-13-2-121](#).
- (p) "Person" has the meaning set forth in [IC 9-13-2-124\(a\)](#).
- (q) "Personalized license plate" or "PLP" has the meaning set forth in [IC 9-13-2-125](#).
- (r) "Proof of financial responsibility" has the meaning set forth in [IC 9-25-2-3](#) and [IC 9-13-2-106](#).
- (s) "Registration" means the recording of a vehicle with the state under [IC 9-18](#).
- (t) "Registration month" means the month during which a vehicle must be registered under [IC 9-18-2-8](#).
- (u) "Registration year" means that period of twelve (12) consecutive months beginning with the registration date and ending on the last date before the registration expiration date.
- (v) "Semitrailer" has the meaning set forth in [IC 9-13-2-164](#).
- (w) "Semitrailer fleet" means two (2) or more semitrailers owned by a person or a single entity.
- (x) "Special equipment" has the meaning set forth in [IC 9-13-2-170.3](#).
- (y) "Special group" has the meaning set forth in [IC 9-13-2-170](#).
- (z) "State" has the meaning set forth in [IC 9-13-2-173](#).
- (aa) "Vehicle" has the meaning set forth in [IC 6-6-5-1](#).
- (bb) "Vehicle class" refers to [IC 6-6-5-4](#).

(Bureau of Motor Vehicles; [140 IAC 2-1-0.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 25. [140 IAC 2-1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 2-1-2](#) Valuation of vehicles**

**Authority:** [IC 9-14-2-2](#)

**Affected:** [IC 6-6-5-3](#)

Sec. 2. The **A vehicle's** value of all vehicles for the purpose of determining their **used to determine its**

classification for excise tax purposes shall be based upon the "~~Factory Advertised Delivered Price~~" or the "~~Port of Entry Price~~" disregarding special equipment of **FADP** for each vehicle make and model, **disregarding special equipment**, 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 26. [140 IAC 2-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~" **FADP** of a vehicle does not appear in the ~~Red Book~~ bureau of motor vehicle's publication compiling the manufacturer's price information, **which the bureau uses**, because the vehicle is specially constructed, or because of any other reason, ~~the then~~ **the vehicle shall be classified according to the Factory Advertised Delivered price or Port of Entry price of FADP for the make and year of the chassis, subject to review by the board of state tax commissioners. If the chassis' make or year of the chassis is not known unknown or cannot be determined, the vehicle shall be classified as a Class I vehicle. the customer shall provide the bureau with receipts to determine the cost to build such vehicle. Then, the bureau shall classify the vehicle in the appropriate class based on the bureau's determination of the vehicle's value.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 27. [140 IAC 2-1-9.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-9.5](#) Registration after registration month**

Authority: [IC 9-14-2-2](#)

Affected: [IC 6-6-5-7](#); [IC 9-18](#)

Sec. 9.5. If a vehicle owner is applying to register the vehicle in the owner's name for the first time in the state, and the application date is less than two (2) full calendar months prior to the applicant's scheduled registration month, then the owner must also register the vehicle and pay all applicable excise taxes for the next full registration year.

*(Bureau of Motor Vehicles; [140 IAC 2-1-9.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 28. [140 IAC 2-1-11](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-11](#) Staggered registration**

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-18-2-7](#); [IC 9-18-2-8](#)

Sec. 11. Any vehicle owner who seeks to register a vehicle that is not subject to [IC 9-18-2-8](#) shall register the vehicle in accordance with the schedule set by the commissioner or his or her designee assigning registration dates.

*(Bureau of Motor Vehicles; [140 IAC 2-1-11](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 29. [140 IAC 2-1-12](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-12](#) Thirty-day temporary registration and license plate; issuance**

Authority: [IC 9-14-2-1](#); [IC 9-14-2-2](#); [IC 9-15-2-1](#); [IC 9-18-2-8](#); [IC 9-18-2-25](#)

Affected: [IC 9-18-2](#); [IC 9-18-6-3](#)

**Sec. 12.** If circumstances arise that cause a shortage in license plate availability or an inability to provide license plates, certificates of registration, or renewal stickers, then the commissioner or his or her designee may issue a temporary registration and license plate to a person who is initially registering or is renewing a registration for a motor vehicle. The temporary registration and license plate will be valid for thirty (30) days after the issuance date. The commissioner or his or her designee shall determine the specific appearance of the temporary registration and license plate and the manner of displaying the license plate.

(Bureau of Motor Vehicles; [140 IAC 2-1-12](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 30. [140 IAC 2-1-13](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-13](#) Exchange of previously issued license plates**

Authority: [IC 9-14-2-2](#); [IC 9-18-2-47](#); [IC 9-29-3-19](#)

Affected: [IC 9-18-6](#); [IC 9-29](#)

**Sec. 13. (a)** A person may exchange the person's current and valid license plate for a different bureau issued license plate. The new license plate shall be registered to and displayed on the vehicle from which the exchanged license plate was removed.

**(b)** The bureau shall collect any additional license plate charges if the fee for the replacement license plate is greater than the fee for the exchanged license plate. The person shall also pay the same fees and service charges that [IC 9-29](#), [140 IAC 8-3](#), and [140 IAC 8-4](#) require for a replacement license plate issued under [IC 9-18-6](#).

(Bureau of Motor Vehicles; [140 IAC 2-1-13](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 31. [140 IAC 2-1-14](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-14](#) Five-year registration cycle**

Authority: [IC 9-14-2-2](#); [IC 9-18-2-47](#)

Affected: [IC 9-18-2](#)

**Sec. 14.** The registration cycle and initial registration year for a five (5) year license plate described in [IC 9-18-2-47](#) is any sixty (60) month period selected by the commissioner.

(Bureau of Motor Vehicles; [140 IAC 2-1-14](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 32. [140 IAC 2-1-15](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-15](#) Military vehicle registration**

Authority: [IC 9-14-2-2](#); [IC 9-18-14-5](#)

Affected: [IC 9-18-14](#)

**Sec. 15.** An application for a military vehicle registration issued under [IC 9-18-14](#) must include a

**current and accurate photograph of the military vehicle.**

(Bureau of Motor Vehicles; [140 IAC 2-1-15](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 33. [140 IAC 2-1-16](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-16](#) Amateur radio operator license plates**

**Authority:** [IC 9-14-2-2](#); [IC 9-18-23-5](#)

**Affected:** [IC 9-18-23](#)

**Sec. 16. An applicant for an amateur radio operator license plate issued under [IC 9-18-23](#) must present proof of having a Federal Communications Commission issued unrevoked and unexpired official amateur radio station and operator's license.**

(Bureau of Motor Vehicles; [140 IAC 2-1-16](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 34. [140 IAC 2-1-17](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-17](#) Implement of agriculture**

**Authority:** [IC 9-13-2-77](#); [IC 9-14-2-2](#)

**Affected:** [IC 9-18-1-1](#)

**Sec. 17. A category of implement of agriculture for which [IC 9-18](#) does not apply, per [IC 9-18-1-1\(4\)](#), are those categories designed to be operated in a farm field or on farm premises and the transporting of the implement of agriculture on a highway or street is done only as a means to transfer it from one (1) farm field or portion of a farm to another farm field or portion of a farm for use in the farm field or on the farm premises.**

(Bureau of Motor Vehicles; [140 IAC 2-1-17](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 35. [140 IAC 2-1-18](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-1-18](#) Aggregate registrations**

**Authority:** [IC 9-14-2-2](#); [IC 9-18-2-4.5](#)

**Affected:** [IC 9-18-2-4.5](#)

**Sec. 18. Any commercial motor vehicles registered in accordance with [IC 9-18-2-4.5](#) shall be registered in accordance with the schedule set by the commissioner or his or her designee assigning registration dates.**

(Bureau of Motor Vehicles; [140 IAC 2-1-18](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 36. [140 IAC 2-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 37. [140 IAC 2-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[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 **cycle and initial registration** year for a five (5) year semitrailer **license** 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. **in accordance with [140 IAC 2-1-11](#).**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 38. [140 IAC 2-2-3](#) IS AMENDED TO READ AS FOLLOWS:

**[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)~~ **(a)** The permanent semitrailer registration is void when the owner sells or disposes of or ~~does not annually renew the registration of the semitrailer, The~~ **and its license plate cannot may not be transferred to a new owner.**

~~(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 **(b) An annual record update fee of two dollars (\$2) is assessed for a each permanent semitrailer registration for semitrailers** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 39. [140 IAC 2-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 2-3-1](#) Proof of foreign citizenship**

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-18-2](#); [IC 9-18-7-1.5](#)

Sec. 1. Proof of foreign citizenship **for a temporary registration permit issued under [IC 9-18-7-1.5](#)** shall be demonstrated by a valid foreign passport issued to the registrant by the registrant's country of residence **or by a valid unexpired visa or I-94 issued to the registrant.**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 40. [140 IAC 2-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[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 **vehicle manufacturer's** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 41. [140 IAC 2-3-3](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **intent** to register ~~the a~~ vehicle in a foreign country shall be demonstrated by an **oath or 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 42. [140 IAC 2-3-5](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 2-3-5](#) Fee for permit**

Authority: [IC 9-14-2-2](#); [IC 9-29-3-19](#); [IC 9-29-5-26.5](#)

Affected: [IC 9-18-2](#); [IC 9-18-7-1.5](#); [IC 9-29-3-21](#); [IC 9-29-3-23](#)

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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 43. [140 IAC 2-3-6](#) IS AMENDED TO READ AS FOLLOWS:

#### [140 IAC 2-3-6](#) Display of permit

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-18-2-26](#); [IC 9-18-7-1.5](#)

Sec. 6. A ninety (90) day **temporary registration** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 44. [140 IAC 2-4-1](#) IS AMENDED TO READ AS FOLLOWS:

#### [140 IAC 2-4-1](#) Statement of intent

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-13-2-170](#); [IC 9-18-25-2](#)

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~~ **has** discretion **to** 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 **based on any of** the following concerns: **factors:**

(1) ~~Proliferation of special group recognition~~ **Ease of license** plate types makes proper identification of vehicles by law enforcement officers and other individuals more difficult. **persons.**

(2) ~~Proliferation weakens~~ **Maintaining** the distinction of **existing** special group recognition plates. ~~for deserving organizations which have previously qualified for special group status.~~

(3) ~~Proliferation adversely effects~~ **Maintaining** the efficient distribution of license plates. through the license branch system operated by the bureau of motor vehicles commission.

**(4) Any other reasonable factors as determined by the commissioner or his or her designee.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 45. [140 IAC 2-4-2](#) IS AMENDED TO READ AS FOLLOWS:

#### [140 IAC 2-4-2](#) Petition for special group status

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-13-2-170](#); [IC 9-18-25-2](#)

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 ~~the bureau~~ by filing a petition with the bureau of motor vehicles ~~no~~ not later than March 31 of the calendar year immediately preceding the calendar year in which the special group recognition plates are to be issued.

(b) **In addition to the requirements of [IC 9-18-25-2](#), the organization must include the following information with its petition for inclusion in the to request a special group recognition program: license plate:**

- (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 in Indiana.
  - (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~~ that 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 **special group recognition license 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 **license plate**.
- (8) Written documentation evidencing that the organization is not-for-profit in the manner provided in section 6 of this rule.
- (9) 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.**
- ~~(9) Such~~ **(10) Any other application or applications for the issuance of a special group recognition license plate and any** other documentation or other information that the bureau of motor vehicles deems necessary to determine whether the organization qualifies for special group recognition status.

(c) No petition will be considered until all of the information in this ~~subsection~~ **section** is filed with the bureau of motor vehicles. The bureau of motor vehicles will notify the organization ~~no~~ not later than ~~May 1~~ **June 1** of the calendar year in which the petition is filed **regarding** whether the petition has been approved or not approved.

(d) **The bureau may deny an application under this section if the group's submitted list of five hundred (500) individuals, who purportedly submitted applications to the organization for its proposed special group recognition license plate, contains one (1) or more names of individuals who have not applied for the plate.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 46. [140 IAC 2-4-3.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 2-4-3.5](#) Reimbursement of expenses**

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-18-25-5](#)

**Sec. 3.5. If the bureau approves an organization's petition for the special group recognition license**



**plate, the organization must pay for all of the plate's design, display, and production costs.**

(Bureau of Motor Vehicles; [140 IAC 2-4-3.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 47. [140 IAC 2-4-4](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 2-4-4](#) Surety bond and minimum plate sales**

**Authority:** [IC 9-14-2-2](#); [IC 9-18-25-15](#)

**Affected:** [IC 9-18-25](#)

Sec. 4. (a) Simultaneously with the submission of the list of applicants required under section 3 of this rule, **If the bureau approves a group's petition**, 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~~ **the** amount of six thousand dollars (\$6,000) and may not be cancelled **canceled** without ~~ten (10) days' prior notice to the bureau of motor vehicles.~~ **bureau's approval.**

~~(c)~~ **If fewer** 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 (c)** If 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)~~ **(d)** If ~~over fewer than~~ 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 **each** subsequent ~~years~~ **year until the group satisfies the requirements of [IC 9-18-25-15](#).**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 48. [140 IAC 2-4-5](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 2-4-5](#) Plate design 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 49. [140 IAC 2-4-6](#) IS AMENDED TO READ AS FOLLOWS:

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**[140 IAC 2-4-6](#) Not-for-profit**

**Authority:** [IC 9-14-2-2](#); [IC 9-13-2-170](#)

**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) A group petitioning for a special group recognition license plate must show its 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))~~

SECTION 50. [140 IAC 2-4-9](#) IS AMENDED TO READ AS FOLLOWS:

**[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 an 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. if the group fails to comply with the program's requirements.~~

~~(b) The failure of bureau may consider an organization organization's failure to meet the requirements of [IC 9-18-25-15](#) or this rule may be considered by the bureau of motor vehicles when reviewing the bureau reviews 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))~~

SECTION 51. [140 IAC 2-4-10](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~

forgoing 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 **organization's** unique nature, ~~of the organization,~~ it cannot satisfy ~~such~~ **all of this rule's** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 52. [140 IAC 2-5](#) IS ADDED TO READ AS FOLLOWS:

## Rule 5. Personalized License Plates

### [140 IAC 2-5-1](#) Application for personalized license plates

Authority: [IC 9-14-2-2](#); [IC 9-18-15-14](#)

Affected: [IC 9-18](#)

Sec. 1. (a) To apply for a new PLP or to renew an existing PLP, an applicant must submit a fully completed bureau approved PLP application form.

(b) In addition to any other application requirements, an applicant must provide the following information:

- (1) The vehicle owner or lessee's name.
- (2) The vehicle owner's or lessee's mailing address.
- (3) The vehicle's make, model, and year.
- (4) The vehicle's identification number.
- (5) The vehicle's current license plate number.
- (6) The vehicle's current registration expiration date.
- (7) The desired numbers or letters, or both, combination to appear on the PLP.
- (8) The meaning or message of the requested PLP numbers or letters, or both, combination.

(Bureau of Motor Vehicles; [140 IAC 2-5-1](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

### [140 IAC 2-5-2](#) Review of personalized license plate application

Authority: [IC 9-14-2-2](#); [IC 9-18-15-14](#)

Affected: [IC 9-18](#)

Sec. 2. (a) The bureau shall review PLP applications that are not automatically rejected when compared to a database of prohibited or previously issued PLPs.

(b) The bureau shall deny a PLP request if an objective, reasonable person would find that the customer's proposed PLP numbers or letters, or both, combination listed on the PLP application falls into at least one (1) of the below listed categories. The bureau may also refuse a PLP request that does not fall into at least one (1) of the following categories, but is determined to carry a connotation offensive to good taste and decency, is misleading, or is otherwise prohibited:

- (1) Refers to, relates to, or connotes sexual acts or eliminatory functions, including, but not limited to, breasts, genitalia, the pubic area, buttocks, etc. Additionally, references to numbers with sexual connotations are prohibited unless used to identify and in conjunction with a production year and a vehicle's make or model.
- (2) Refers to or suggests the substance, paraphernalia, sale, use, purveyor of, or physiological state produced by any drug, narcotic, alcoholic beverage, or intoxicant.
- (3) Refers to a race, religion, deity, ethnicity, gender, sexual orientation, or political party or affiliation. However, generally accepted references to a race or ethnic heritage are allowable.
- (4) Is defamatory, profane, obscene, vulgar, or derogatory.
- (5) Expresses or suggests violence or endangerment to the public welfare.

- (6) Refers to a government, a government entity, or a government official or employee.
- (7) Duplicates another license plate or would substantially interfere with plate identification for law enforcement purposes.
- (8) Uses linguistics, numbers, and phonetics, translations from foreign languages, or upside-down or reverse reading to reference any other prohibited numeric and letter combination.
- (9) Uses or refers to a trademark, trade name, service mark, copyright, or other proprietary right in conjunction with language that promotes, advertises, or endorses a product, brand, or service provided for a commercial purpose unless the registrant is the verified owner of the protected mark or is authorized to use such mark.

(Bureau of Motor Vehicles; [140 IAC 2-5-2](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

#### **[140 IAC 2-5-3](#) Notice of denial of personalized license plate application or renewal**

Authority: [IC 9-14-2-2](#); [IC 9-18-15-14](#)

Affected: [IC 4-21.5-3-1](#); [IC 9-18](#)

Sec. 3. The bureau shall notify a person if the bureau denies an application for a new PLP, or a renewal of an existing PLP as set forth in [IC 4-21.5-3-1](#).

(Bureau of Motor Vehicles; [140 IAC 2-5-3](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

#### **[140 IAC 2-5-4](#) Revocation of personalized license plate**

Authority: [IC 9-14-2-2](#); [IC 9-18-15-14](#)

Affected: [IC 4-21.5-3-1](#); [IC 9-18](#)

Sec. 4. (a) The bureau may revoke a previously issued PLP if the bureau receives a substantial number of complaints regarding the previously issued PLP and the bureau determines the previously issued PLP contains the prohibited references or expressions in section 2 of this rule.

(b) The bureau shall notify a person of the bureau's revoking a previously issued PLP under [IC 4-21.5-3-1](#).

(c) A person shall return the revoked PLP to the bureau within thirty (30) days of the date of the notice sent under subsection (b) unless the person timely requests a petition for an administrative review of the bureau's revocation decision.

(Bureau of Motor Vehicles; [140 IAC 2-5-4](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

#### **[140 IAC 2-5-5](#) Refund of personalized license plate fees**

Authority: [IC 9-14-2-2](#); [IC 9-18-15-14](#)

Affected: [IC 9-18](#)

Sec. 5. (a) The bureau shall refund the amount of the PLP fee and the prorated amount of the special annual renewal fee, if any, to the person holding the revoked PLP.

(b) Instead of a refund, the person whose PLP the bureau revoked may request that the bureau issue the person a different PLP. The person shall apply for the subsequent PLP as prescribed under this rule.

(Bureau of Motor Vehicles; [140 IAC 2-5-5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

#### **[140 IAC 2-5-6](#) Petition for administrative review**

Authority: [IC 4-21.5-3-6](#); [IC 4-21.5-3-7](#); [IC 9-14-2-2](#); [IC 9-18-15-14](#)

**Sec. 6. (a) A person may seek administrative review of the bureau's decision to reject an application for or renewal of a PLP, or a revocation of a previously issued PLP under [IC 4-21.5-3-7](#).**

**(b) The bureau's PLP rejection or revocation decisions shall become final unless the person timely files a written petition for an administrative review up to eighteen (18) days after the notice date.**

*(Bureau of Motor Vehicles; [140 IAC 2-5-6](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

**[140 IAC 2-5-7](#) Procedure for administrative review**

**Authority: [IC 9-14-2-2](#); [IC 9-18-15-14](#)**

**Affected: [IC 9-18](#)**

**Sec. 7. The bureau shall conduct an administrative review of the bureau's decision to reject an application for, or a renewal of, a PLP, or the revocation of a previously issued PLP, under [140 IAC 1](#).**

*(Bureau of Motor Vehicles; [140 IAC 2-5-7](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 53. [140 IAC 4-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 4-2-1](#) Waiver of age and experience requirements**

**Authority: [IC 9-14-2-2](#); [IC 9-24-3-3](#); [IC 9-24-4-2](#); [IC 9-27-4](#)**

**Affected: [IC 9-24-3](#); [IC 9-24-4](#); [IC 9-27-4](#)**

~~Sec. 1. Procedures and Requirements for obtaining~~ **(a) To obtain a hardship waiver of the age and experience requirements for an initial operator's or chauffeur's license, a waiver applicant must show proof that:**

~~(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~~ **applicant would** be the only **licensed** driver in their **the applicant's** household, and/or the primary means of support for their family unit. **a household member owns or leases a properly registered motor vehicle, and a household member needs the individual to operate the motor vehicle to enable a household member to receive regularly required medical care; or**

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

~~(3) There~~ **(2) the applicant** must be **the primary means of financial support for the family and no alternative means of transportation available. exists from another family member or from public transportation to get and from the applicant's place of employment; and**

~~(4) No one~~ **(3) an applicant** under the age of sixteen (16) will be granted a waiver without proof of completion of **years of age satisfactorily completed** an approved driver education course; and

**(4) the applicant's driving privileges have never been suspended, revoked, invalidated, canceled, or the subject of any other similar action.**

~~(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.~~

**(b) To obtain a hardship waiver of the age and experience requirements for an initial chauffeur's license, a waiver applicant must show proof that:**

**(1) the applicant has employment as a chauffeur with an entity that is legally authorized to provide chauffeur services; and**

**(2) the applicant's driving privileges have not been suspended, revoked, invalidated, canceled, or the subject of any other similar action.**

~~(2)~~ **(c) Each applicant must follow the following procedures for obtaining a waiver:**

- ~~(A) The applicant for waiver shall~~ **(1) Submit a written request to the commissioner for a waiver application.**  
~~(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~~ **(2) After the bureau forwards a waiver application for waiver to the requesting party, (2) the applicant must return the completed application will be reviewed to the bureau for its review and investigated by the Driver Examiner Division.**  
**investigation.**  
~~(3) If approved, the applicant will receive a written waiver which that may be presented to any branch of the Bureau of Motor Vehicles at the time of application for an initial Indiana operator's~~ **operator or chauffeur's driver's license.**  
~~(4) This waiver does not effect any requirement as to the written, vision, and driving test.~~ **tests.**

~~(C) (d) The commissioner within his or her discretion may alter any of the foregoing procedures when in his or her opinion an extreme emergency exist.~~ **exists.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 54. [140 IAC 4-4-2](#) IS AMENDED TO READ AS FOLLOWS:

### **[140 IAC 4-4-2](#) Definitions**

**Authority:** [IC 9-14-2-2](#); [IC 9-24-10-4](#)

**Affected:** [IC 9-13-2](#); [IC 9-18-2-32](#); [IC 9-18-2-33](#); [IC 9-18-2-81](#); [IC 9-24-2-1](#); [IC 9-24-10-4](#); [IC 9-27-4-3](#); [IC 20-1-1-6](#)

Sec. 2. **(a)** The following definitions in this section apply throughout this rule and [140 IAC 4-5](#).

~~(1) (b) "Actively enrolled in a driver education class" means actually~~ **(b) "Actively enrolled in a driver education class" means a student** attending either the classroom instruction phase or the behind-the-wheel instruction phase of a driver education class.

**(c) "Approved driver education course" has the meaning set forth in [IC 9-13-2-4](#).**

~~(2) (d) "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~~ **(d) "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 during which the student drives the motor vehicle.**

~~(3) (e) "Bureau" means the bureau of motor vehicles.~~ **(e) "Bureau" has the meaning set forth in [IC 9-13-2-16](#).**

~~(4) (f) "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 learner's permit.~~

~~(5) (g) "Classroom instruction" means that phase of a driver education class that is conducted~~ **(g) "Classroom instruction" means that phase of a driver education class that is conducted a driver instructor must conduct in person, in a classroom setting, and gives a student instruction instructing students on the laws and general procedures regarding the proper operation of a motor vehicle.**

~~(6) (h) "Commercial driver training school" has the meaning set forth in [140 IAC 4-1-1\(1\)](#).~~ **(h) "Commercial driver training school" has the meaning set forth in [140 IAC 4-1-1\(1\)](#). [IC 9-13-2-28](#).**

**(i) "Commission" has the meaning set forth in [IC 9-13-2-32](#).**

**(j) "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).**

**(k) "Driver" has the meaning set forth in [IC 9-13-2-47](#).**

(7) **(l)** "Drive test" means the bureau-approved standardized **driving skills** examination given by either:  
(A) ~~(1) 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 properly operate a motor vehicle to qualify for a driver's license and the granting of a waiver; or~~  
(B) ~~(2) a state driver examiner for the purpose of determining whether a student has sufficient physical and mental ability to operate a motor vehicle properly to qualify for a driver's license.~~

**(m) "Drive test score sheet" means a bureau approved standardized form that a driver instructor uses to evaluate and score each student's drive test.**

~~(8) (n) "Driver education class" means an approved driver education course, and 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 properly operate a or drive motor vehicle vehicles or to prepare an applicant for an examination or validation given by the bureau for a driver's license.~~

~~(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) (o) "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) (p) "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. has the meaning set forth in [IC 9-27-4-3](#) and [IC 9-13-2-81](#).~~

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

~~(13) (r) "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. has the meaning set forth in [IC 9-24-7](#).~~

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

~~(15) (t) "State driver examiner" means an **a commission** employee of the bureau whose duties include the administration of ~~drive~~ **driving skills** tests at license branches.~~

~~(16) (u) "Student" means a person who holds a **learner's** permit and is actively enrolled in a driver education class.~~

~~(17) (v) "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. has the meaning set forth in [IC 9-24-10-4\(c\)](#).~~

~~(18) (w) "Waiver program" means the program established by the bureau creating a standardized ~~drive~~ **driving skills** 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; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 55. [140 IAC 4-4-3](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **not** 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; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 56. [140 IAC 4-4-6](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 4-4-6](#) Hours of instruction; invalidation**

Authority: [IC 9-14-2-2](#); [IC 9-24-10-4](#)

Affected: [IC 9-24-3-2](#); [IC 9-24-7-2](#); [IC 9-27-4](#)

Sec. 6. **(a) In addition to any other requirements**, every student shall ~~successfully complete~~ **attend** a minimum of thirty (30) ~~eleek~~ hours of classroom instruction and six (6) ~~eleek~~ hours of behind-the-wheel instruction ~~in order to qualify~~ **complete a driver education class successfully and to be eligible** for a waiver.

**(b) If a student fails to attend the required minimum number of hours of instruction, or fails to complete a driver education class successfully, the driver education school 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 learner's permit upon receipt of said notification.**

(Bureau of Motor Vehicles; [140 IAC 4-4-6](#); filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 57. [140 IAC 4-4-7](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 4-4-7](#) Grade requirements for driver education class and for waiver**

Authority: [IC 9-14-2-2](#); [IC 9-24-10-4](#)

Affected: [IC 9-27-4](#)

Sec. 7. If A student ~~receives~~ **must receive** a grade of **"B-" score of eighty percent (80%)** or ~~lower~~ **higher** in the classroom instruction ~~or~~ **and the** behind-the-wheel instruction ~~he or she shall not~~ **to successfully complete the driver education class and to** 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; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 58. [140 IAC 4-4-8](#) IS AMENDED TO READ AS FOLLOWS:



**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](#)

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

- (1) ~~The student's grades.~~ **"Pass" or "Fail".**
- (2) **The original signature or signatures of a the driver instructor who provided the classroom instruction and the driver instructor who provided the student's behind-the-wheel instruction.**
- (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.~~ **using the driver education school's numbered stamp and the original signature of the driver instructor who administered the drive test.**

(c) ~~A state driver examiner shall administer 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).~~ **to anyone whose learner's permit does not comply with subsection (b), or who has a disability that requires the individual to use special mechanical control devices to operate the motor vehicle properly.**

(d) ~~If there are~~ **A learner's permit containing** any irregularities, including, but not limited to, ~~strike-overs,~~ **strike-outs**, erasures, or the use of white-out ~~the bureau shall consider the permit is~~ invalid.

*(Bureau of Motor Vehicles; [140 IAC 4-4-8](#); filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 59. [140 IAC 4-4-9](#) IS AMENDED TO READ AS FOLLOWS:

**[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](#)

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 education school or high school driver instructor that participates in the waiver program 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.~~ **of its students. The student must pass the drive test to qualify for a waiver.** The driver instructor administering the drive test shall not be the same **driver** instructor who provided ~~the~~ behind-the-wheel instruction to that student.

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

(c) **All driver education schools that participate in the waiver program shall offer each of its students only one (1) opportunity to take the drive test.**

~~(e)~~ (d) The **original** signature of the **driver** instructor who conducted the classroom instruction, the **original** signature of the **driver** instructor who conducted the behind-the-wheel instruction, and the **original** signature of the **driver** instructor who administered the drive test must ~~all~~ appear on the ~~standardized~~ drive test score sheet

~~for it to be valid. The driver instructor conducting who conducted the drive test shall note on the drive test score sheet whether the student passed or failed the test.~~

**(e) A person's waiver privilege expires when the person's learner's permit expires.**

~~(d) (f) Every driver education school shall retain drive test score sheets shall be kept at the school's location of the school for at least two (2) years and shall be made available present the drive test score sheets to the bureau and its agents upon their 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; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 60. [140 IAC 4-4-10](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **Driver instructors shall instruct and testing test students** regarding the following items or locations ~~shall be conducted by a commercial driver or high school instructor in~~ **during the students'** 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:~~

- ~~(4)~~ **(6)** Dual lanes.
- ~~(2)~~ **(7)** One-way streets.
- ~~(3)~~ **(8)** Railroad crossings.

*(Bureau of Motor Vehicles; [140 IAC 4-4-10](#); filed Nov 12, 1998, 3:00 p.m.: 22 IR 972; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 61. [140 IAC 4-4-11](#) IS AMENDED TO READ AS FOLLOWS:

**[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. **(a)** 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.

(b) 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; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 62. [140 IAC 4-5](#) IS ADDED TO READ AS FOLLOWS:

### Rule 5. Examinations Required for Expired Driver's License

#### [140 IAC 4-5-1](#) Examination requirements for an Indiana driver's license after prior Indiana driver's license expired

Authority: [IC 9-14-2-2](#); [IC 9-24-10-2](#); [IC 9-24-11-2](#)

Affected: [IC 9-24](#)

Sec. 1. In addition to all other legal requirements, an individual applying for an Indiana operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license after the individual's Indiana license expired must do the following:

- (1) If the license expired not more than six (6) months before the current application, the individual must pass an eyesight examination.
- (2) If the license expired more than six (6) months but not more than three (3) years before the current application, the individual must pass:
  - (A) an eyesight examination; and
  - (B) the written examination or examinations applicable to the type of license sought.
- (3) If the license expired more than three (3) years before the current application, the individual must pass:
  - (A) an eyesight examination;
  - (B) the written examination or examinations applicable to the type of license sought; and
  - (C) a driving skills examination.

*(Bureau of Motor Vehicles, [140 IAC 4-5-1](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

#### [140 IAC 4-5-2](#) Examination requirements for an Indiana driver's license after prior out-of-state driver's license expired

Authority: [IC 9-14-2-2](#); [IC 9-24-10-2](#); [IC 9-24-11-2](#)

Affected: [IC 9-24](#)

Sec. 2. In addition to all other legal requirements, an individual applying for an Indiana operator's license after the individual's out-of-state operator's, chauffeur's, or public passenger chauffeur's license expired must do the following:

- (1) If the applicant held an unrevoked license for at least one (1) year, and the license expired not more than three (3) years before the current application, the individual must pass:
  - (A) an eyesight examination; and
  - (B) the written examination.
- (2) If the applicant held an un-revoked license for less than one (1) year, or the license expired more than three (3) years before the current application, the individual must pass:

- (A) an eyesight examination;
- (B) the written examination; and
- (C) a driving skills examination.

(Bureau of Motor Vehicles, [140 IAC 4-5-2](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 63. [140 IAC 6-1-0.5](#) IS ADDED TO READ AS FOLLOWS:

## ARTICLE 6. TITLES

### [140 IAC 6-1-0.5](#) Definitions

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-13-2](#); [IC 9-16-1-3](#); [IC 9-17](#); [IC 9-18-8-1](#); [IC 9-18-8-2](#); [IC 9-22-1-2](#); [IC 14-8-2-185](#); [IC 26-1-1-201](#); [IC 26-1-9.1-102](#)

Sec. 0.5. (a) The definitions in this section apply throughout this article.

(b) "Assembled vehicle" has the meaning set forth in [IC 9-17-4-0.3](#).

(c) "Attorney" means any person duly authorized to engage in the practice of law in the state of Indiana or any other state.

(d) "Bureau" has the meaning set forth in [IC 9-13-2-16](#).

(e) "Certificate of origin" means the original ownership document for a vehicle issued by a manufacturer and provided to the initial purchaser of that vehicle, which begins the vehicle's chain of ownership.

(f) "Certificate of title" has the meaning set forth in [IC 26-1-9.1-102\(a\)\(10\)](#), as it pertains to a vehicle, and issued under [IC 9-17](#).

(g) "Commission" has the meaning set forth in [IC 9-13-2-32](#).

(h) "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).

(i) "Dealer" has the meaning set forth in [IC 9-13-2-42](#).

(j) "Dealer inspection" has the meaning set forth in [IC 9-17-2-12](#).

(k) "Federal Employer Identification Number" or "FEIN" means the IRS number used to identify taxpayers who must file various business tax returns. The taxpayers include employers, sole proprietors, corporations, partnerships, nonprofit associations, trusts, estates of decedents, government agencies, certain individuals, and other business entities.

(l) "Identification number" means a unique set of numbers or letters, or both, assigned to a motor vehicle or motor vehicle part.

(m) "License branch" means the commission's branch offices authorized to conduct the business that [IC 9-16-1-3](#) authorizes.

(n) "Manufactured home" has the meaning set forth in [IC 9-13-2-96](#).

- (o) "Manufacturer's statement" means a motor vehicle's certificate of origin.
- (p) "Mobile home" has the meaning set forth in [IC 9-13-2-103.2](#).
- (q) "Motor vehicle" has the meaning set forth in [IC 9-13-2-105](#).
- (r) "Motor vehicle part" has the meaning set forth in [IC 9-18-8-1](#).
- (s) "Officer" has the meaning set forth in [IC 9-22-1-2](#).
- (t) "Off-road vehicle" has the meaning set forth in [IC 14-8-2-185](#).
- (u) "Person" has the meaning set forth in [IC 9-13-2-124\(a\)](#).
- (v) "Police officer" has the meaning set forth in [IC 9-13-2-127](#).
- (w) "Rebuilt vehicle" has the meaning set forth in [IC 9-13-2-149](#).
- (x) "Recreational vehicle" has the meaning set forth in [IC 9-13-2-150](#).
- (y) "Security agreement" has the meaning set forth in [IC 26-1-9.1-102\(a\)\(73\)](#) and [IC 26-1-1-201\(37\)](#).
- (z) "Semitrailer" has the meaning set forth in [IC 9-13-2-164](#).
- (aa) "Special identification number" has the meaning set forth in [IC 9-18-8-2](#).
- (bb) "SSN" means a Social Security number.
- (cc) "State" has the meaning set forth in [IC 9-13-2-173\(a\)](#).
- (dd) "Stop title order" means an administrative order, based upon proper supporting evidence, that will permanently or temporarily suspend the bureau's processing a title application or applications for a vehicle and the subsequent issuance of a new certificate of title for the vehicle.
- (ee) "Trailer" has the meaning set forth in [IC 9-13-2-184](#).
- (ff) "Vehicle" has the meaning set forth in [IC 9-13-2-196](#).
- (gg) "VIN" means the identification number for a vehicle or vehicle part provided by the manufacturer or by the special identification number process.
- (hh) "VIN inspection" has the meaning set forth in [IC 9-17-2-12](#).

*(Bureau of Motor Vehicles; [140 IAC 6-1-0.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 64. [140 IAC 6-1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 6-1-2](#) Application for title; contents**

**Authority:** [IC 4-1-8-1](#); [IC 9-14-2-2](#); [IC 9-17-2-8](#); [IC 9-17-2-10](#)

**Affected:** [IC 6-2.5](#); [IC 9-17-2-2](#); [IC 9-18](#); [IC 9-23](#)

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)~~ (a) In addition to the requirements in [IC 9-17-2](#), an application for a 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 the following:

(1) The name, residence, mailing address, and Social Security SSN or other identification number **FEIN** for the vehicle's owner **person in whose name the vehicle is titled. An applicant's information and SSN presented to the bureau must match the information that the Social Security Administration has in its records for the SSN. An applicant who is not a United States citizen must present sufficient evidence of continued lawful status in the United States. The presented information must match the information that the United States Citizenship and Immigration Services or the United States Department of Homeland Security, or both, have in their records for the person. The bureau will verify that the applicant's information matches the information that any or all of the following have in their records:**

**(A) The Social Security Administration.**

**(B) United States Citizenship and Immigration Services.**

**(C) The Department of Homeland Security.**

(2) A **The vehicle's** description of the vehicle to **shall** include vehicle **the vehicle's** make, vehicle identification **model, model** number, vehicle **manufacture** year, vehicle type, and model **VIN or special identification** number.

(3) The former title number, if any.

(4) The date of purchase **or acquisition date.**

(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)~~ (b) 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)~~ (c) 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)~~ (d) If the vehicle has been brought in from out of state or **owner** assembled or rebuilt by the owner the vehicle, **must be inspected by then the owner must have a police officer officer's inspection of the vehicle.** The inspecting official **police officer** shall verify the facts stated in the application and note the following information on the application:

(1) The vehicle identification number; **VIN.**

(2) The make and year of the vehicle.

(3) **The** police officer's **name**, title, police agency, and signature.

(4) **The inspection** 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.

(e) In addition to [IC 9-17-2](#), an applicant who purchased a vehicle and is unable to obtain a properly executed title for a vehicle that is valued at five thousand dollars (\$5,000) or less may obtain a title by presenting all of the following items:

- (1) A valid bill of sale.
- (2) An affidavit of ownership on the bureau's designated form.
- (3) A letter requesting the registered owner/seller to provide the signed title to the purchaser. The letter must have been sent to the seller by registered mail at the seller's last known address and returned to the sender unopened and marked as being unclaimed.
- (4) A VIN inspection.
- (5) A lien release, if necessary.

The bureau will issue a new title to the applicant if the bureau determines that sufficient credible evidence exists to substantiate the applicant's claim of ownership.

(f) In addition to [IC 9-17-2](#), an applicant who purchased a vehicle and is unable to obtain a properly executed title for a vehicle that is valued at more than five thousand dollars (\$5,000) shall present a court order that establishes the applicant as the legal owner of the purchased vehicle for which the applicant is seeking a title.

(g) United States government verification will be accepted as proof of ownership from military personnel who did not obtain the standard port of entry forms for importing the personnel's personal vehicle from out of the country.

(h) To record a lien on an existing title, an applicant must apply for a new title and include the following information:

- (1) The new lien holder's information.
- (2) The signatures of all the persons whose names appeared on the original title.

(i) The bureau may require a VIN inspection whenever unusual or suspicious circumstances exist pertaining to a title transaction or a title's information.

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 65. [140 IAC 6-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[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 **To add** a name to

a title, **each person whose name will appear on the new title**

~~(1) Either both persons must sign the title application. (one of the parties~~ **Alternatively, a person may instead, give the other party his or her use a power of attorney document to cover this requirement); authorize another person to sign the title application on the person's behalf. Additionally, in lieu of the person's signature**

~~(2) Or, the person whose name will be added to a title may make a notarized~~ **submit a properly executed affidavit authorizing their the bureau to add the person's name to be added. the application title. Then, only needs the signature of the original assignee or title owner or owners need to sign the title application.**

(b) **Dropping To remove a name from a title, each person whose name appears on the title must sign the title application as a seller. Then, the person whose name will appear on the new title shall sign the old title as purchaser. Alternatively, in lieu of the person's signature**

~~(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~~ **removed from the title may by affidavit or power of attorney allow his or her name to be dropped use a properly executed affidavit authorizing the bureau to remove the party's name 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. or use a power of attorney document.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 66. [140 IAC 6-1-5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[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 person must obtain a body change title is issued whenever any change is made to a vehicle is altered such that alters it changes the vehicle's make or type, as stated noted on the vehicle's current title or certificate of origin.**

(b) ~~The application for To receive a body change title, an applicant must be accompanied by provide the former title or certificate of origin, a properly completed body change affidavit, on the using a bureau designated form, designated by the Commissioner, and a police check.~~ **proof of a VIN inspection.**

(c) **Assembled vehicles and any vehicle that is altered such that it changes its vehicle type must meet all applicable federal and state highway safety requirements before it may be titled and registered for operation on highways and streets.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 67. [140 IAC 6-1-13](#) IS AMENDED TO READ AS FOLLOWS:

#### **[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)~~ **(1)** Make, year, body type, and model of the motor vehicle.
- ~~(b)~~ **(2)** Name of the manufacturer.
- ~~(c)~~ **(3)** Motor vehicle identification number.
- ~~(d)~~ **(4)** Miscellaneous ~~date~~: **data about the vehicle such as engine size and special or additional equipment.**
- ~~(3)~~ ~~Provision shall be made so~~ **(5) Additional provisions such** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 68. [140 IAC 6-1-14](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 6-1-14](#) Dealer's title; assignment and reassignment**

**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~~ **A registered dealer may be made to a purchaser or reassign a certificate of title without first applying for the title. If the dealer reassigns the vehicle to another dealer, then that dealer may in turn also reassign the title by utilizing the applicable bureau designated form. designated by the Commissioner.**

**(b) A registered Indiana dealer may reassign an out-of-state title on a bureau designated form.**

~~(b) (c) A total of three (3) dealer reassignments may be made.~~ **occur.** After three (3) reassignments, the last named purchaser ~~whether dealer or individual,~~ must apply for **a certificate of 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~~ **an assignment or reassignment, the dealer must place his its dealer number on the document certificate of title and applicable form.**

~~(e) Anyone signing any document for a dealer~~ **The person who signs the certificate of title and applicable form on the dealer's behalf must state his place information about the person's position after his with the dealer on the title or form next to the person's 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#);*

SECTION 69. [140 IAC 6-1-15.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 6-1-15.5](#) Repossession title; resale**

Authority: [IC 9-14-2-2](#)

Affected: [IC 6-2.5](#); [IC 9-17](#); [IC 9-18](#); [IC 9-23](#)

Sec. 15.5. (a) To obtain a certificate of title, a lien holder who repossessed a vehicle must comply with the following requirements:

(1) Submit the lien holder's application for title by using the bureau's designated form. The applicant must provide the following information:

- (A) The vehicle owner's name.
- (B) The owner's address.
- (C) The vehicle make, model, and manufacture year.
- (D) The VIN.
- (E) The type and amount of the lien on the vehicle.
- (F) The lien holder's name.
- (G) The lien holder's address.

(2) The person from whom the vehicle was repossessed must be the vehicle's last registered owner; and

(3) If the lien holder possesses the title, then the title must indicate the lien or the lien holder must provide a certified copy of the loan or financing statement.

(4) If the lien holder does not have the title because the owner of the motor vehicle did not apply for a certificate of title, then the lien holder must provide the assigned title or certificate of origin with the lien indicated on the document; or

(5) If the vehicle owner does not provide the assigned title or certificate of origin to the lien holder, then the lien holder must present an affidavit providing the person or dealer's name and address who sold the vehicle to the owner and the name of the person to whom the person or dealer sold the vehicle.

(b) If the original lien holder assigned the lien to a financial institution that repossessed the vehicle, then the financial institution must obtain an affidavit from the original lien holder indicating the assignment of the lien or present the properly executed Indiana title with its front indicating the assignment of the lien holder's interest.

(c) A person who has a security interest in a repossessed manufactured home may obtain a certificate of title by:

- (1) submitting the person's application for title by using the bureau's designated form; and
- (2) providing properly executed judicial foreclosure papers.

(d) If the original owner obtains possession of the vehicle after it was repossessed, the owner must pay sales tax on the balance of the existing lien.

(e) The lien holder cannot sell a repossessed vehicle until after properly obtaining a certificate of title in the lien holder's name.

(Bureau of Motor Vehicles; [140 IAC 6-1-15.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 70. [140 IAC 6-1-16.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 6-1-16.5](#) Salvage title; conversion to rebuilt title; assignment and transfer**

Authority: [IC 9-14-2-2](#); [IC 9-22-3-1](#)

Affected: [IC 9-17](#); [IC 9-18-2](#); [IC 9-22-3](#); [IC 9-23](#)

**Sec. 16.5. (a)** A person who acquires a salvage motor vehicle that was originally manufactured within the prior seven (7) model years must apply for a salvage motor vehicle title.

**(b)** A person with a salvage motor vehicle title for a vehicle that has been rebuilt may apply for a rebuilt title for that vehicle.

**(c)** A person with a salvage motor vehicle title may rebuild and sell the rebuilt vehicle without first obtaining a rebuilt title prior to selling the vehicle. However, the seller must provide the purchaser with the salvage motor vehicle title and an affidavit of restoration.

**(d)** A person may not register a motor vehicle with a salvage motor vehicle title until the person obtains a rebuilt title for the motor vehicle.

*(Bureau of Motor Vehicles; [140 IAC 6-1-16.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 71. [140 IAC 6-1-17.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 6-1-17.5](#)** Motor vehicle identification number; application

Authority: [IC 9-14-2-2](#); [IC 9-18-8-3](#)

Affected: [IC 9-17](#); [IC 9-18-8](#); [IC 9-22](#)

**Sec. 17.5.** In addition to the requirements in [IC 9-18-8](#), an applicant for a special identification number must provide the following information:

- (1)** Bills of sale or titles, or both, for all of the motor vehicle's motor vehicle parts.
- (2)** Each bill of sale and title shall provide the name and address of the person who purchased the motor vehicle parts, seller's signature, and a complete description of each motor vehicle part, including its manufacture year, make, serial number, and purchase price.
- (3)** Either a title or affidavit of ownership for the frame, chassis, or body.
- (4)** A photograph of the reassembled motor vehicle.
- (5)** Any additional information that the commissioner or his or her designee requires.

*(Bureau of Motor Vehicles; [140 IAC 6-1-17.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 72. [140 IAC 6-1-18.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 6-1-18.5](#)** Title correction process

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-17](#); [IC 9-18](#); [IC 9-23](#)

**Sec. 18.5. (a)** To obtain a correct title in place of an erroneous title caused by an error in the certificate of origin that the dealer gave to the motor vehicle purchaser, the applicant must present:

- (1)** a corrected certificate of origin;
- (2)** an affidavit from the dealer explaining the circumstances of the mistake;
- (3)** a VIN inspection;
- (4)** a completed title application;
- (5)** the title application fee; and
- (6)** the erroneous title.

**(b)** To obtain a correct title in place of an erroneous title that a dealer caused by selling two (2) motor vehicles and switching the titles such that each purchaser obtained the wrong title, an applicant must present the following:

- (1)** Both incorrect titles or, if the other vehicle's owner cannot be located or will not participate in the correction process, then the applicant must present the person's incorrect title. In addition, the applicant must send a letter by registered mail to the other owner at the other owner's last known

address requesting the other owner to provide the erroneous title. The applicant must present a copy of that letter and a copy of the returned signed receipt, or the certified mailing returned to the sender unopened and marked as being unclaimed.

(2) An affidavit from the dealer explaining the circumstances of the mistake.

(3) A VIN inspection.

(4) A title application from each purchaser, unless the other purchaser is not participating in this corrective process.

(5) The title application fees.

(6) The other vehicle owner may subsequently apply for a correct title. The applicant must present the applicant's incorrect title and comply with the requirements in subdivisions (2) through (5).

(c) To obtain a correct Indiana title for a motor vehicle with an erroneous out-of-state title, the applicant must first obtain a corrected title from the state of the title's origin.

(Bureau of Motor Vehicles; [140 IAC 6-1-18.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 73. [140 IAC 6-1-21](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 6-1-21](#) Stop title orders; removal**

Authority: [IC 9-14-2-2](#); [IC 9-17](#)

Affected: [IC 9-17-2-10](#)

Sec. 21. The bureau may issue a stop title order in the following circumstances:

(1) If during the process of a person applying for a title to a vehicle, the bureau determines that another title exists for that vehicle due to a duplicate certificate of origin, a duplicate title, or a duplicate VIN. The bureau will remove the stop title order upon the applicant satisfying the requirements of [IC 9-17-2-10](#), or an order entered after an administrative hearing, including any subsequent court order entered due to an appeal of the administrative hearing result.

(2) If a law enforcement agency's authorized representative submits a written request to the bureau to issue a stop title order for a vehicle. The written request must identify the law enforcement agency, the authorized representative's name and position within the agency, a brief explanation for why the agency is requesting the stop title order, and the length of time that the agency is requesting the stop title order be effective. The bureau will remove the stop title order pursuant to the law enforcement agency's request, an order entered after an administrative hearing, including any subsequent court order entered due to an appeal of the administrative hearing result, or by the commissioner or his or her designee.

(3) If the bureau cannot verify the accuracy of the title applicant's information. The bureau will remove the stop title order if the applicant provides proof of the accuracy [*sic, of*] the information sufficient to resolve the discrepancy or discrepancies. Alternatively, if the applicant sells the vehicle, then the subsequent applicant must meet the requirements found in section 2 of this rule.

(4) If during the title application process, the bureau discovers an error in the information necessary to ensure a valid title. The bureau will remove the stop title when the error is corrected.

(5) A person entitled to receive title information about a vehicle may submit an application to the bureau requesting a title inquiry report, which provides information about the last person recorded for a title, or a title history report, which provides the complete title history for a vehicle.

(Bureau of Motor Vehicles; [140 IAC 6-1-21](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 74. [140 IAC 6-1-22](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 6-1-22](#) Transfer of manufactured home attached to real estate**

Authority: [IC 9-14-2-2](#); [IC 9-17-6-15.1](#)

Affected: [IC 9-17-6-15.3](#)

Sec. 22. In addition to the requirement in [IC 9-17-6-15.1](#) of providing the application for an affidavit of transfer of manufactured home attached to real estate, an applicant must:

- (1) for new construction purchases, provide an application for certificate of title, a certificate of origin, and the appropriate state tax form;
- (2) when transferring and have an existing certificate of title, provide the certificate of title;
- (3) an owner who is transferring and does not have a certificate of title or certificate of origin must submit an application for a certificate of title, a Department of Housing and Urban Development certification or serial number inspection report done by a law enforcement officer, and either a bill of sale, a purchase or settlement agreement, or a court order; or
- (4) if the applicant purchased an existing manufactured home, is refinancing the manufactured home, or acquired the manufactured home through a foreclosure sale, provide an application for a certificate of title and either a certificate of ownership, a certificate of title, a bill of sale, a purchase or settlement agreement, or a court order.

(Bureau of Motor Vehicles; [140 IAC 6-1-22](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 75. [140 IAC 7-1.1](#) IS ADDED TO READ AS FOLLOWS:

#### Rule 1.1. Definitions; Required Documentation for Credentials

##### [140 IAC 7-1.1-1](#) Definitions

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-13-2](#); [IC 9-16](#); [IC 9-24-3](#); [IC 9-24-6](#)

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Bureau" has the meaning set forth in [IC 9-13-2-16](#).

(c) "Certified commercial driver's license skills test examiner" means a person who the bureau certifies and authorizes to administer a driving skills test to any applicant for a commercial driver's license.

(d) "Class" means group as set forth in 49 CFR 383.91\*.

(e) "Commercial driver's license" or "CDL" has the meaning set forth in 49 CFR 383.5\*.

(f) "Commercial driver's license applicant" means any person requesting a commercial driver's license, or renewal, reinstatement, or requalification thereof.

(g) "Commercial driver's license learner's permit" has the meaning set forth in [IC 9-24-6-0.5](#).

(h) "Commercial driver's license skills test" or "CDL skills test" means the bureau, or a certified commercial driver's license skills test examiner, administered examination of a CDL or CDL endorsement applicant's skills as required by 49 CFR 383\*.

(i) "Commercial motor vehicle" or "CMV" has the meaning set forth in 49 CFR 383.5\*.

(j) "Commission" has the meaning set forth in [IC 9-13-2-32](#).

(k) "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).

(l) "Core knowledge exam" means a written test designed to verify the applicant's knowledge in the operation of a commercial motor vehicle as required by 49 CFR 383\*.

(m) "Disqualification" means any of the following four (4) actions:

(1) The suspension, revocation, or cancellation of a commercial driver's license by the state or jurisdiction of issuance. A disqualification will be considered a suspension action when a person with a CDL is prohibited from operating a CMV for a determinate period of time due to the person having been convicted or having refused to submit to a certified chemical test.

(2) Any withdrawal of a person's privileges to drive a commercial motor vehicle by the state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight, or vehicle defect violations).

(3) A determination by the Federal Motor Carrier Safety Administration or the state that a person is not qualified to operate a commercial motor vehicle under 49 CFR Part 391\*.

(4) A determination by the Federal Motor Carrier Safety Administration or the state that that a person has committed an action that requires disqualification pursuant to 49 CFR\*.

(n) "Driver's license" has the meaning set forth in [IC 9-13-2-48](#).

(o) "Endorsement" has the meaning set forth in 49 CFR 383.5\*.

(p) "Endorsement knowledge test" means a test designed to verify the applicant's knowledge in the operation of a specific type of commercial motor vehicle as required by 49 CFR 383\*.

(q) "Farm semitrailer and tractor" means a semitrailer and tractor, as defined in [IC 9-13-2-164](#) and [IC 9-13-2-180](#) respectively, which the owner or guest occupant uses in connection with agricultural pursuits usual and normal to the user's farming operation.

(r) "Farm trailer" means a trailer, as defined under [IC 9-13-2-184](#), which the owner or guest occupant uses in connection with agricultural pursuits usual and normal to the user's farming operation.

(s) "Farm truck" means a truck, as defined in [IC 9-13-2-188](#), which the owner or guest occupant uses in connection with agricultural pursuits usual and normal to the user's farming operation.

(t) "Full legal name" means, pursuant to 6 CFR 37.3\*, an individual's first name, middle name or names, and last name or surname, without use of initials or nicknames.

(u) "Gross combination weight rating" or "GCWR" has the meaning set forth in 49 CFR 383.5\*.

(v) "Gross vehicle weight rating" or "GVWR" has the meaning set forth in 49 CFR 383.5\*.

(w) "Highway" and "street" have the meaning set forth in [IC 9-13-2-73](#).

(x) "Lawful status" means a citizen or national of the United States; or an alien who:

(1) was lawfully admitted for permanent or temporary residence in the United States;

(2) has conditional permanent resident status in the United States;

(3) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(4) has a valid nonimmigrant status in the United States;

(5) has a pending application for asylum in the United States;

(6) has a pending or approved application for temporary protected status (TPS) in the United States;

(7) has approved deferred action status; or

(8) has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.

(y) "License branch" means the commission's branch offices authorized to perform the functions and conduct the transactions under [IC 9-16](#).

(z) "Motorcycle" has the meaning set forth in [IC 9-13-2-108](#).

(aa) "Motorcycle learner's permit" means a bureau issued permit that entitles a person to operate a motorcycle on Indiana highways subject to Indiana laws and regulations.

(bb) "Motorcycle license endorsement" means an authorization placed on an existing driver's license that authorizes a person to operate a motorcycle on Indiana highways.

(cc) "Motorcycle operational skills test" means the bureau approved standardized driving skills examination given by a state driver examiner or an approved examiner to determine whether a student has sufficient physical and mental ability to operate a motorcycle properly to qualify for a motorcycle license or motorcycle endorsement.

(dd) "Motorcycle temporary learner's permit" means a bureau issued permit that entitles a person to operate a motorcycle on Indiana highways, subject to Indiana laws and regulations, while enrolled in an approved drivers education and training course.

(ee) "Motorized bicycle" has the meaning set forth in [IC 9-13-2-109](#).

(ff) "Motor scooter" has the meaning set forth in [IC 9-13-2-104](#).

(gg) "Operator's license" means the driver's license issued under [IC 9-24-3](#).

(hh) "Person" has the meaning set forth in [IC 9-13-2-124](#).

(ii) "Qualified jurisdiction" means a country specified in 49 CFR 383.23(b)(1)(n.1)\*.

(jj) "Resident" has the meaning set forth in [IC 9-13-2-78](#).

(kk) "State" has the meaning set forth in [IC 9-13-2-173](#).

(ll) "State driver examiner" means a commission employee whose duties include the administration of driving skills tests at license branches.

(mm) "Student" means a person who holds a temporary motorcycle learner's permit and is actively enrolled in an approved motorcycle driver education and training course.

(nn) "Truck driving training school" has the meaning set forth in [IC 9-13-2-188.5](#).

(oo) "Visual screening" means an eye screening that the bureau administers to license, permit, and endorsement applicants.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Bureau of Motor Vehicles; [140 IAC 7-1.1-1](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

#### [140 IAC 7-1.1-2](#) License, permit, and identification card qualifications

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-24-9](#); [IC 9-24-16](#)

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### Sec. 2. (a) An applicant for a new or renewed driver's license, permit, endorsement, or identification

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card must provide verifiable valid documentation to the bureau for identification purposes. An applicant's documentation information and Social Security number (SSN) presented to the bureau must match, based on the Social Security Administration's (SSA) criteria, the information that the SSA has in its records for the SSN. An applicant who is not a United States citizen must present sufficient evidence of continued lawful status in the United States. The presented information must match the information that the United States Citizenship and Immigration Services (USCIS) or the United States Department of Homeland Security (DHS), or both, have in their records for the person. The bureau will verify that the applicant's information matches the information that the SSA, USCIS, or the DHS, or all, have in their records.

(b) To receive an initial Indiana driver's license, permit, endorsement, or identification card, an applicant must present two (2) primary identity documents, or one (1) primary identity document and one (1) secondary identity document, which the applicant may select from the lists in section 3 below; one (1) document showing proof of lawful status in the United States; two (2) approved documents showing proof of Indiana residency; and one (1) SSN document or the SSA document establishing that the person does not qualify for an SSN. Depending on the type of document presented, one (1) document might satisfy more than one (1) of the above requirements.

(c) To receive a duplicate Indiana driver's license, learner's permit, or identification card, an applicant must present two (2) primary identity documents, or one (1) primary identity document and one (1) secondary identity document.

(d) To receive an amended Indiana driver's license, permit, or identification card, an applicant must provide the existing license, permit, or identification card, proof of lawful status in the United States, and proper documentation to support the requested changes. If an applicant cannot present the existing driver's license, permit, or identification card, then the applicant must meet the requirements for obtaining an initial license, permit, or identification card.

(e) To renew an Indiana driver's license, learner's permit, or identification card, an applicant must comply with the following requirements:

(1) Each applicant must present and surrender the applicant's existing Indiana driver's license, permit, endorsement, or identification card, must present a valid and accurate SSN document or the applicant's SSA letter establishing that the person does not qualify for an SSN, and, if applicable, must present sufficient evidence of continued lawful status in the United States. If an applicant cannot present the existing driver's license, permit, or identification card, or presents such document that expired more than one (1) year prior to the application date, then the applicant must meet the requirements for obtaining an initial license, permit, or identification card.

(2) An identification card issued before July 1, 2007, is a secondary document for the renewal process.

*(Bureau of Motor Vehicles; [140 IAC 7-1.1-2](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

### [140 IAC 7-1.1-3](#) (Reserved)

### [140 IAC 7-1.1-4](#) Documentation for individuals with conditions causing appearance of intoxication

Authority: [IC 9-14-2-2](#); [IC 9-24-11-2](#); [IC 9-24-11-9](#)

Affected: [IC 9-24](#)

Sec. 4. An applicant for a driver's license issued under [IC 9-24-11-9](#), which contains the distinctive color coding indicating that the person has a medical condition causing the person to appear intoxicated, must obtain the original or renewed physician's certificate not more than thirty (30) days prior to the application date.

*(Bureau of Motor Vehicles; [140 IAC 7-1.1-4](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 76. [140 IAC 7-1.2](#) IS ADDED TO READ AS FOLLOWS:

### Rule 1.2. Interim License; Temporary Invalidation; Address Change

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**[140 IAC 7-1.2-1](#) Issuance of interim license**

Authority: [IC 9-14-2-2](#); [IC 9-24-11-2](#)

Affected: [IC 9-24-12-6](#)

Sec. 1. (a) The bureau may issue an interim Indiana driver's license for the specified periods to those individuals who meet all of the requirements for obtaining an Indiana driver's license, but are in one (1) of the following situations:

- (1) The person may receive a fourteen (14) day interim license when the person is applying at a time when the bureau's system or systems used for the driver's license issuing process is not properly operating.
- (2) The person may receive a thirty (30) day interim license when the person is applying for a new or renewed driver's license for temporary lawful residents.
- (3) The person may receive a thirty (30) day interim license when the person is applying for a new or renewed driver's license and the Problem Driver Pointer System indicates that the applicant's driving privileges are suspended in another state.
- (4) The person may receive a thirty (30) day interim license when the person has an Indiana driver's license, is traveling outside the state, and is unable to return to the state in time to renew the person's driver's license.
- (5) The person may receive a thirty (30) day interim license when the person is applying and the bureau determines that the person might be the victim of an image conflict or fraud, or a discrepancy exists in the person's information when the bureau seeks to verify its accuracy with records that the federal government maintains.

(b) The bureau will not issue an interim driver's license in any or all of the following situations:

- (1) The applicant's current license does not expire within fourteen (14) days.
- (2) The applicant does not hold an Indiana issued driver's license and is not a temporary lawful resident.
- (3) The applicant holds a CDL or CDL permit, unless it is disqualified and the base license remains valid.
- (4) The applicant's driving privileges or driver's license is suspended, invalid, revoked, forfeited, or subject to a similar action.
- (5) The applicant has an unexpired identification card or permit.

(Bureau of Motor Vehicles; [140 IAC 7-1.2-1](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 77. [140 IAC 7-2-5](#) IS AMENDED TO READ AS FOLLOWS:

**[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 **passed** the written test and obtains to obtain a **motorcycle** learner's permit will is not be required to again take the written test at the time of application for a motorcycle license endorsement or a **motorcycle operator's license**. The written test will consist of twenty-five (25) questions, twenty-one (21) of which must be answered correctly for a **passing score**.

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 78. [140 IAC 7-2-6](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **(a) An applicant for motorcycle endorsement or motorcycle operator's license must take an operational skills test** shall be administered by a person certified to be **whom the commissioner, or his or her designee, approves as a motorcycle license operational skills test 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 **an operational** skills test to an applicant who completed **was a student of** 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)~~ **(b) The operational skills test will contain must include** maneuvers with a motorcycle involving **proper starting**, stopping, turning, braking, riding through obstacles, **changing traffic lanes**, and the testing of other areas of riding skills. The applicant must receive ~~less~~ **fewer** 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.~~

**(c) A person who fails the operational skills test must wait until the next business day before being allowed to retake the operational skills test.**

~~(6)~~ **(d) All persons must wear a motorcycle helmet when taking during the operational skills test.**

~~(7)~~ **(e) Every applicant must sign a waiver of liability** prior to taking ~~the~~ **an operational** skills test. ~~will be required to sign a waiver of liability. The waiver will~~ **must** include **the following** information: ~~to the effect that the applicant:~~

~~(A)~~ **(1) The applicant** understands ~~the type of they are taking a motorcycle operational skills test to be given and believes to be they are~~ **they are** qualified to take such test. ~~and~~

~~(B)~~ **(2) The applicant** will hold the bureau of motor vehicles, **commission**, the state, the owners of the test site, and the motorcycle examiner harmless for any injury ~~sustained that the applicant or the applicant's motorcycle and equipment, or all, might sustain~~ from any accident during the **operational skills** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 79. [140 IAC 7-2-9](#) IS AMENDED TO READ AS FOLLOWS:

#### **[140 IAC 7-2-9](#) Fees for operational skills test**

Authority: [IC 9-14-2-2](#); [IC 9-24-10-2](#); [IC 9-29-9-12](#)

Affected: [IC 9-24-8](#); [IC 9-29](#)

Sec. 9. An applicant for a motorcycle **operational** skills test shall pay the lawful fee to the certified **approved** motorcycle examiner at the time of **prior to** taking the **operational skills** test. Fees paid to certified motorcycle examiners who are state employees shall be remitted to the bureau of motor vehicles by the examiner. **A bureau approved organization that provides operational skills tests may charge reasonable fees for each operational skills test that the organizational administers in an amount to cover its reasonable administrative costs and five dollars (\$5) for the operational skills test 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 80. [140 IAC 7-2-10](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 7-2-10](#) Approved motorcycle examiners; qualifications**

**Authority:** [IC 9-14-2-2](#); [IC 9-24-10-2](#)

**Affected:** [IC 9-24-8](#)

Sec. 10. ~~Certified~~ **An applicant to be an approved** motorcycle examiners **skills test examiner** must meet the following qualifications:

- (1) Be **twenty-one** (21) years of age or older.
- (2) Possess a valid Indiana operator's, chauffeur's, or public passenger chauffeur's **driver's license with a motorcycle endorsement, or a motorcycle operator's driver's license.**
- (3) ~~Have successfully complete~~ **completed** a **bureau approved motorcycle safety** training course. offered by the bureau of motor vehicles for certified motorcycle examiners; and
- (4) **An approved motorcycle skills test examiner must give a minimum of five (5) operational skills tests each year to maintain the approval.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 81. [140 IAC 7-2-11](#) IS AMENDED TO READ AS FOLLOWS:

**[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](#); [IC 9-27-4](#)

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](#) and are **subject to the requirements and discipline provisions [IC 9-27-4](#) and [140 IAC 4-1](#)**, 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 82. [140 IAC 7-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **A person who drives has a commercial motor vehicle CDL may not hold more than one (1) driver's license at the same time.**

~~(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.~~

**(b) A CDL shall expire at midnight on the applicant's birthday that occurs four (4) years following the CDL's issuance date.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 83. [140 IAC 7-3-3.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 7-3-3.5 Applicant](#)**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6](#)

Sec. 3.5. A CDL applicant may apply at a license branch subject to the provisions of [IC 9-24-6](#) and the following:

- (1) The CDL applicant must hold a valid CDL learner's permit.
- (2) The applicant must pass a bureau administered or approved visual screening exam.
- (3) The applicant for a CMV class or endorsement type or types, or both, must pass the applicable CDL knowledge exams and CDL skills tests.
- (4) An applicant for a CMV class that is different than the one that the applicant's current CDL authorizes must pass all applicable CDL knowledge exams and CDL skills tests, except for the following:
  - (A) A person who possesses the requisite endorsement for a combination vehicle (Class A) may operate a heavy straight vehicle (Class B) or a small vehicle (Class C). However, the person must have any other endorsements that might be required for the specific type of Class B or Class C vehicle being operated.
  - (B) A person who possesses the requisite endorsement for a heavy straight vehicle (Class B) may operate a small vehicle (Class C). However, the person must have any other endorsements that might be required for the specific type of Class C vehicle being operated.
- (5) The applicant for an initial CDL must pass a bureau approved physical examination prior to applying for an initial CDL and every two (2) years thereafter, or a shorter period if the bureau so designates for the person. The applicant must provide a copy of a Medical Examination Report and Medical Examiner's Certificate, both signed by the qualified medical examiner or examiners who conducted the examinations. The examinations must occur within thirty (30) days prior to submitting the application.
- (6) The applicant must pass the records checks required by 49 CFR 383.73\*.
- (7) The applicant must pay all required fees.
- (8) The applicant's driver's license or permit may not be suspended, revoked, canceled, or invalidated in Indiana or any other state, territory, federal district, or any province of the Dominion of Canada at the time of application.
- (9) The applicant must surrender all driver's licenses and permits at the time of application.
- (10) The applicant shall be issued his or her CDL subject to any restrictions on his or her driving privileges at the time of application.

- (11) A CDL applicant must not have held more than one (1) operator's license at the same time during the two (2) years preceding the application.
- (12) A CDL applicant must pass a CDL core knowledge exam and a CDL skills test that comply with minimum federal standards.

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Bureau of Motor Vehicles; [140 IAC 7-3-3.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 84. [140 IAC 7-3-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[140 IAC 7-3-4](#) Application**

**Authority:** [IC 9-14-2-2](#); [IC 9-24-6-2](#)

**Affected:** [IC 5-26.5](#); [IC 9-24-6](#)

Sec. 4. (a) The application for a ~~commercial driver's license~~ **CDL** or ~~commercial driver's license~~ **CDL learner's permit** must include the following: **applicant's:**

- (1) ~~The full legal name, and current residential address, of the applicant.~~ **and out-of-state address if the applicant is in Indiana to attend a truck driving training school;**
- (2) A physical description ~~of the person~~ including ~~sex,~~ **gender**, height, weight, eye color, and hair color;
- (3) date of birth;
- (4) ~~The applicant's Social Security number,~~ **or verification of the applicant's ineligibility to receive a valid Social Security number with verification of identity and lawful status in the United States;**
- (5) ~~The applicant's signature;~~
- (6) ~~Any other information deemed necessary by the bureau.~~ **(6) medical and physical qualification information that this article requires;**
- (7) **out-of-state driver history, including, but not limited to, any and all operator, chauffeur, public passenger chauffeur, and commercial driver's licenses and permits, including the dates of such licenses and permits and state or states that issued them;**
- (8) **complete criminal history, based on fingerprint analysis, including arrests and disposition for applicants applying for a hazardous materials endorsement; and**
- (9) **certification that the information provided is true and accurate.**

(b) ~~When the A CDL holder of a commercial driver's license changes~~ **must immediately submit an application to the bureau for an amended CDL upon changing** 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~~ **CMV** under the authority of a ~~commercial driver's license~~ **CDL** ~~that an authority outside of this state issued.~~ ~~by another state.~~

(d) Any person who knowingly ~~falsifies~~ **provides the bureau with falsified** information or certifications required under ~~subsection (a) this article~~ **this article** is subject to the suspension, **disqualification**, or cancellation of his or her ~~commercial driver's license~~ **the person's CDL** for a period to be determined by the bureau.

(e) **An individual certified as a program participant in the address confidentiality program under [IC 5-26.5](#) is not required to provide the individual's principal address and mailing address, but may provide an address that the office of the attorney general designates under [IC 5-26.5](#) as the individual's principal address and mailing address.**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 85. [140 IAC 7-3-5.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 7-3-5.5](#) Learner's permit validity period; renewal**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6](#)

**Sec. 5.5. (a)** A CDL learner's permit shall be valid for a period of not more than one hundred eighty (180) days.

**(b)** A person may apply for the renewal of the person's CDL learner's permit two (2) times during any two (2) year period. Thus, a person with a CDL learner's permit, whether issued by Indiana or another qualified jurisdiction, may hold a CDL learner's permit for a total of not more than eighteen (18) months out of any twenty-four (24) month period.

*(Bureau of Motor Vehicles; [140 IAC 7-3-5.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 86. [140 IAC 7-3-6.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 7-3-6.5](#) Physical examination requirements**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 8-2.1-24-18](#); [IC 9-24-6](#)

**Sec. 6.5. (a)** Every CDL holder must obtain and have in the person's possession a medical examiner's certification that the CDL holder is qualified to operate a CMV either interstate or intrastate.

**(b)** The medical examination shall be performed by a licensed medical examiner pursuant to 49 CFR 391, Subpart E\*.

**(c)** For intrastate operation, the medical examiner may recommend the issuance of an intrastate CDL subject to the following restrictions:

**(1) Diabetes:** for persons with diabetes mellitus requiring insulin treatment, the medical examiner may recommend restrictions consistent with the requirements of [IC 8-2.1-24-18](#). The Medical Examination Report must indicate that the applicant's diabetic condition is controlled such that the applicant is not likely to lose consciousness or any loss of ability to properly control a CMV.

**(2) Neurological conditions:** for persons with medical history or clinical diagnosis of epilepsy, seizure disorder, or other neurological condition, the medical examiner shall state his or her opinion whether such conditions disqualify a driver from unrestricted interstate operation pursuant to 49 CFR 391.43\*. If they do, the medical examiner may consider whether under specific restrictions the driver may be qualified for intrastate operation of a CMV. The medical examiner may find the driver qualified for intrastate operation subject to medical restrictions only if the examiner recommends that under the specified restrictions the condition is not likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle. In addition, the driver must be seizure/epilepsy free for at least one (1) year from the last occurrence before intrastate certification is considered. In that event, the medical examiner shall specify such medical restrictions on the physical examination form accompanying the intrastate certification, or on an attached separate sheet of paper. If the driver is disqualified from interstate operation and the medical examiner does not recommend specific restrictions that may permit qualification for intrastate operation, the examination report will be construed as a recommendation that the driver is not qualified to operate CMVs.

**(3)** Notwithstanding the provisions set forth in subdivision (1) or (2), the medical examiner shall not certify a driver who fails to meet any of the other standards set forth in 49 CFR 391.43\*, except that a physician may certify and recommend that the bureau qualify such a person for intrastate operation under specific medical restrictions or instructions.

**(d)** The expiration date for the Medical Examination Report and the Medical Examiner's Certificate

must be not more than twenty-four (24) months from the date of the report and certification in the case an applicant who is medically qualified for an interstate CDL, and not more than twelve (12) months from the date of the report and certification in the case of an applicant who is medically qualified for an intrastate CDL. The expiration date may be an earlier date than the expiration of the twelve (12) or twenty-four (24) month periods if, in the medical examiner's opinion, the interests of public highway safety or the health of the driver requires an earlier follow-up examination.

(e) The driver shall submit a copy of the Medical Examination Report and Medical Examiner's Certificate to the bureau and upon its expiration shall submit a new Medical Examination Report and Medical Examiner's Certificate. The bureau shall disqualify a driver who does not maintain on file a current valid Medical Examination Report and Medical Examiner's Certificate, except that the bureau may, in its discretion, allow one (1) period of not more than thirty (30) days after a valid Medical Examination Report and Medical Examiner's Certificate has expired before issuing such disqualification.

(f) A person who does not meet the requirements of 49 CFR 391\* or of this section shall be disqualified from operating a CMV. In determining whether a person meets those requirements, the bureau may require the person to provide any additional information or documentation that the bureau reasonably deems necessary to make such a determination. In making such determination, the bureau may also request and consider the advisory opinion of the Indiana driver's license medical advisory board, the Federal Motor Carrier Safety Administration's regulations, instructions to medical examiners, conference reports on commercial driving and medical conditions, and any other relevant medical reference sources and advice.

(g) The bureau shall not issue a passenger endorsement, a school bus endorsement, or a hazardous materials endorsement to a person with an intrastate restricted CDL.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Bureau of Motor Vehicles; [140 IAC 7-3-6.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 87. [140 IAC 7-3-7](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 7-3-7](#) Commercial driver's license contents**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6](#)

Sec. 7. (a) The commercial driver's license CDL shall contain the following information **required by 49 CFR 383.153\* and the applicant's:**

- (1) The applicant's full **legal** name. **and Pursuant to 6 CFR 37.17\*, the name on the face of the license or card must be the same as the name on the source documents that the applicant presented to establish identity;**
- (2) current residential address;
- (2) The applicant's photograph.
- (3) Date of birth.
- (4) General physical description height, (3) weight, **hair color**, and sex; **eye color**; and
- (5) License (4) **CDL** number, **and dates of issuance and expiration.**
- (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.

(b) The bureau may include additional codes for additional groupings of endorsements.

(c) The bureau shall include information on the CDL license or CDL permit that briefly describes the applicant's medical condition that affects the person's ability to operate a CMV.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 88. [140 IAC 7-3-8.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 7-3-8.5](#) Classes of commercial motor vehicles**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6](#)

Sec. 8.5. In accordance with the United States Department of Transportation standards in 49 CFR 383.91\*, the CMV classes are as follows:

- (1) Combination vehicle (Class A): Any combination of vehicles with a GCWR of twenty-six thousand one (26,001) pounds (eleven thousand seven hundred ninety-four (11,794) kilograms) or more provided the GVWR of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds (four thousand five hundred thirty-six (4,536) kilograms).
- (2) Heavy straight vehicle (Class B): Any single vehicle with a GVWR of twenty-six thousand one (26,001) pounds (eleven thousand seven hundred ninety-four (11,794) kilograms) or more, or any such vehicle that is towing a vehicle that has a GVWR of not more than ten thousand (10,000) pounds (four thousand five hundred thirty-six (4,536) kilograms).
- (3) Small vehicle (Class C): Any single vehicle, or combination of vehicles, that meets neither the definition of Class A nor that of Class B as contained in this section, but that either is designed to transport sixteen (16) or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F\*).

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Bureau of Motor Vehicles; [140 IAC 7-3-8.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 89. [140 IAC 7-3-9](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **(a) The CDL core knowledge examination** which shall contain not more than fifty (50) questions nor ~~less than thirty (30)~~ **fewer than twenty (20) questions**. The applicant must correctly answer eighty percent (80%) of the questions **to have a passing score**.

~~(c) If the~~ **(b) An applicant who** fails the **CDL core knowledge examination** the applicant may take as many additional **CDL core knowledge** examinations as desired. ~~but~~ **However, the applicant, may only take one (1) CDL core knowledge examination** may be taken in any ~~twenty-four (24) hour period~~: **single business day**.

~~(d) (c) The test results of a passed core knowledge examination shall be valid for a period of one (1) year from the date of~~ **one hundred eighty (180) days after** the examination ~~Core knowledge examination test results over one (1) year old will not be considered~~: **date**.

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 90. [140 IAC 7-3-10](#) IS AMENDED TO READ AS FOLLOWS:

### **[140 IAC 7-3-10](#) Endorsements**

**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 requirements apply to a CDL holder applying for a CDL endorsement:**

(1) The applicant must pass the applicable knowledge **examinations** and **CDL skills test tests** required for a **the** specific class of license and ~~any endorsements~~: **endorsement sought**.

(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~~ **(2) An applicant whose** driving privileges **are disqualified**, suspended, or revoked, in Indiana or any other state shall be **invalidated, or the subject of an equivalent action, is** ineligible to apply for a commercial driver's license **CDL endorsement** during the period of **the disqualification, suspension, or revocation, invalidation, or equivalent action**.

~~(d) (b) The hazardous materials endorsement knowledge test must be taken upon application for~~ **an initial CDL or a CDL 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~~ **(c) CDL endorsement tests examinations** passed as required under this section, shall **only** be valid for a period of ~~one (1) year~~ **one hundred eighty (180) days** from the **examination** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 91. [140 IAC 7-3-11.5](#) IS ADDED TO READ AS FOLLOWS:

### **[140 IAC 7-3-11.5](#) CDL skills test**

**Authority:** [IC 9-14-2-2](#); [IC 9-24-6-2](#)

**Affected:** [IC 9-24-6](#)

**Sec. 11.5. (a) A CDL applicant must comply with the following CDL skills test requirements:**

- (1) The CDL skills test shall be administered by a bureau certified CDL skills test examiner.**
- (2) A CDL or endorsement, or both, applicant must take the bureau's approved CDL skills test in the CMV classification for which the applicant is seeking the CDL or endorsement, or both.**
- (3) The CDL skills test must be administered at one (1) of the bureau's designated locations.**
- (4) The applicant must successfully display an ability to operate the CMV properly and lawfully.**
- (5) The applicant must pay the applicable fees for each CDL skills test to the bureau approved test site operator that administers the CDL skills test.**
- (6) The CDL skills test is not required to be taken at the time of renewal of a CDL unless the person desires to change to a higher classification of CDL, to obtain a school bus or passenger endorsement, or to remove an air brake restriction.**
- (7) Every applicant, prior to taking the CDL skills test, must successfully pass the core knowledge test and obtain a CDL permit in the appropriate classification.**
- (8) Every applicant, prior to taking the CDL 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 driving skills test to be given and believes to be qualified to take the test.**
  - (B) The applicant will hold the bureau and the state harmless for any injury sustained from any accident during the CDL skills test.**

**(b) Any person who fails a CDL skills test may take only one (1) CDL skills test in any single business day.**

**(c) The results of a passed CDL skills test shall be valid for a period of one hundred eighty (180) days from the date of the passed CDL skills test.**

*(Bureau of Motor Vehicles; [140 IAC 7-3-11.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 92. [140 IAC 7-3-13](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 7-3-13](#) Certified CDL 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~~ (a) To obtain the bureau's approval to be a certified CDL skills test examiner, an applicant must meet the following qualifications:**

- (1) Be twenty-one (21) years of age or older.**
- (2) Possess a valid ~~commercial driver's license~~, CDL with a ~~an endorsement to operate a Class A~~ classification and an endorsement for all of the skill tests that he or she will be certifying. **CMV for a minimum of three (3) years, and have all other endorsements except the hazardous materials endorsement.****
- (3) Have successfully completed a ~~bureau approved~~ training course. ~~approved by the bureau.~~**

**(b) A certified CDL skills test examiner must administer a minimum of one hundred twenty (120) CDL skills tests each year to retain the bureau's approval.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 93. [140 IAC 7-3-14](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 7-3-14](#) Examiners; suspension and revocation of approval**

**Authority:** [IC 9-14-2-2](#); [IC 9-24-6-2](#)

**Affected:** [IC 4-21.5-4](#); [IC 9-24-6](#)

Sec. 14. (a) ~~The certification bureau may suspend for up to one (1) year or revoke the approval of any commercial driver's license CDL 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~~ **However, under [IC 4-21.5-4](#), the bureau may immediately suspend the approval of any CDL skills test examiner. The bureau may suspend or revoke the approval for violations, including, but not limited to, 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~~ **that** is unprofessional, intemperate, or negligent.
- (3) Fraud, deceit, or misrepresentation in application for ~~certification.~~ **approval.**
- (4) Fraudulent, misleading, or deceptive statements in advertising, or promotion of a commercial **truck** driving training school.
- (5) Any conduct that, in the exercising of his or her discretion, the commissioner decides poses a threat to public safety or welfare, or otherwise warrants revocation or suspension.**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 94. [140 IAC 7-3-16.5](#) IS ADDED TO READ AS FOLLOWS:

#### [140 IAC 7-3-16.5](#) Exemptions

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6-1](#)

Sec. 16.5. In addition to [IC 9-24-6-1](#) and 49 CFR 383.3, the provisions of this rule do not apply to paid or volunteer firefighters while operating firefighting equipment.

*(Bureau of Motor Vehicles; [140 IAC 7-3-16.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 95. [140 IAC 7-3-17.5](#) IS ADDED TO READ AS FOLLOWS:

#### [140 IAC 7-3-17.5](#) Renewal timing and requirements

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6](#)

Sec. 17.5. (a) A person with a CDL may apply to the bureau to renew the person's CDL up to one (1) year prior to the CDL's expiration date.

(b) Except as provided in subsections (c) through (e), a person applying to renew the person's CDL is not required to take the core knowledge test, endorsement knowledge test, and CDL skills test.

(c) A person applying to renew the person's CDL with a hazardous materials endorsement must pass the hazardous materials endorsement knowledge test and must pass a criminal history background check every four (4) years.

(d) A person with a CDL that has been expired, disqualified, canceled, revoked, or invalidated for longer than one (1) year must pass all applicable knowledge exams and CDL skills tests prior to the issuance or renewal of a CDL.

(e) A person who is applying for a CDL after having voluntarily surrendered or relinquished the person's CDL must meet all of the application requirements as if the applicant is applying for an initial

**CDL.**

(Bureau of Motor Vehicles; [140 IAC 7-3-17.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 96. [140 IAC 7-3-18](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 7-3-18](#) Reciprocity**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#); 49 CFR 383.23

Affected: [IC 9-24-6](#); [IC 9-28-1](#)

Sec. 18. The commissioner ~~bureau~~ may issue a ~~commercial driver's license~~ **CDL** to any person who holds a valid ~~commercial driver's license~~ **CDL** of the same class from another state **or qualified jurisdiction** without requiring the person to take ~~knowledge examinations or the CDL skills tests.~~ **except for A CDL holder transferring from another state or qualified jurisdiction must take the core knowledge test.** The hazardous materials endorsement which requires a test **core knowledge examination** at the time of any application **or renewal.**

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 97. [140 IAC 7-3-18.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 7-3-18.5](#) Notice of conviction**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6](#)

**Sec. 18.5. A CDL holder shall notify the bureau and the CDL holder's employer of any conviction for violating a state or local law relating to motor vehicle traffic control in accordance with 49 CFR 383.31.**

(Bureau of Motor Vehicles; [140 IAC 7-3-18.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 98. [140 IAC 7-3-21](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 7-3-21](#) Public passenger chauffeur's driver's license medical certification**

Authority: [IC 9-14-2-2](#); [IC 9-24-5-1](#)

Affected: [IC 9-24-5](#)

**Sec. 21. A person applying to renew the person's public passenger chauffeur's driver's license must include a physician's medical certification dated within thirty (30) days before the expiration of the applicant's public passenger chauffeur's driver's license.**

(Bureau of Motor Vehicles; [140 IAC 7-3-21](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 99. [140 IAC 8-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 8-1-1](#) Purpose; policy statement; definitions**

Authority: [IC 9-14-2-2](#); [IC 9-16-4](#)

Affected: [IC 4-15-1.8](#); [IC 9-13-2](#); [IC 9-16-4-1](#)

**Sec. 1. (a) Under [IC 9-16-4-1](#), it is the purpose of this commission policy statement to establish that the commission has chosen to develop a personnel system, which is separate from the state personnel**

system under [IC 4-15-1.8](#), for commission employees who are assigned to be managers and employees of the commission operated license branches. The commission's personnel system's employee handbook will define the basic expectations of the rights, privileges, powers, rules, procedures, policies, duties, and benefits of those commission as they relate to the administration of the personnel policies and practices of the license branches operating under the commission's authority. **employees.**

(b) The definitions in this section apply throughout this article.

(c) "Bureau" has the meaning set forth in [IC 9-13-2-16](#).

(d) "Commission" has the meaning set forth in [IC 9-13-2-32](#).

(e) "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 100. [140 IAC 8-2-5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 8-2-5](#) Purpose; policy statement**

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-16-2-5](#)

Sec. 5. Under [IC 9-16-2-5](#), it is the purpose of this commission policy statement to establish that the commission has adopted a procurement system that applies to the procurement of equipment, materials, goods, and services required for the operation of commission operated license branches.

*(Bureau of Motor Vehicles; [140 IAC 8-2-5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 101. [140 IAC 8-3-10](#) IS AMENDED TO READ AS FOLLOWS:

**[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 **or renewed** 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)~~ **(e)** 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) (f) All amounts collected under this section shall be deposited in the state license branch fund.

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 102. [140 IAC 8-3-11](#) IS AMENDED TO READ AS FOLLOWS:

**[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 9-29-3-21](#)

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](#). [IC 9-29-3-21](#).

*(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 103. [140 IAC 8-3-12](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 8-3-12](#) Title service charges and fees**

**Authority:** [IC 9-14-2-2](#); [IC 9-17-3-8](#); [IC 9-17-6-15.1](#); [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](#)

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) The fee for a title inquiry report shall be four dollars (\$4) and for a title history report shall be eight dollars (\$8).

(d) The fee for an affidavit to transfer to real estate shall be ten dollars (\$10).

(e) **(e)** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 104. [140 IAC 8-3-28](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 8-3-28](#) Transactions service charge**

Authority: [IC 9-14-2-2](#); [IC 9-29-3-19](#); [IC 9-29-3-22](#)

Affected: [IC 9-29-3-21](#)

**Sec. 28. (a)** The transaction service charge is the service charge under subsection (d) that all license branches shall charge in addition to the service charges listed in [IC 9-29-3-21\(c\)](#).

**(b)** The transaction service charge shall be collected when a license branch assesses any of the service charges listed in [IC 9-29-3-21\(c\)](#) for the transactions performed.

**(c)** The transaction service charge shall be collected in addition to the applicable statutory fees, any applicable fee increase established by rule under this rule and [140 IAC 8-4](#), and any other applicable service charge under this rule.

**(d)** The transaction service charge shall be one dollar (\$1).

**(e)** All amounts collected under this section shall be deposited in the state license branch fund.

*(Bureau of Motor Vehicles; [140 IAC 8-3-28](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 105. [140 IAC 8-3-29](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 8-3-29](#) Dishonored or rejected payments procedures and service charges**

Authority: [IC 6-6-5-12](#); [IC 9-14-2-2](#); [IC 9-30-12-5](#); [IC 35-43-5-5](#)

Affected: [IC 9-17](#); [IC 9-18](#); [IC 9-24](#)

**Sec. 29.** The bureau shall use the following procedures when a financial institution reports that it dishonors or rejects a person's check, credit card payment, E-check (electronic check), or other form of payment:

- (1)** The bureau shall create a separate collection file for each dishonored or rejected payment received from a financial institution.
- (2)** The bureau shall assess and collect the fees authorized in [IC 35-43-5-5](#) and [IC 6-6-5-12](#).
- (3)** The bureau shall compile and mail notices for each collection file that requests payment of the amount of the dishonored or rejected payment and any additional amounts assessed under subdivision (2). The notice shall also state that a driver's license or permit may be suspended and registration or title invalidated if full payment is not received within ten (10) business days from the collection notice's date.
- (4)** The bureau shall provide a receipt for any payment or payments received.
- (5)** The bureau may immediately suspend a driver's license or permit and invalidate a registration or title if the bureau does not receive full payment of the dishonored or rejected payment and the fees in subdivision (2) by the due date specified in subdivision (3).
- (6)** The driver's license, permit, registration, or title shall be reinstated upon full payment of the dishonored or rejected payment, the fees in subdivision (2), and an additional fee of ten dollars (\$10) for each suspended driver's license or permit and invalidated registration or title. The bureau shall provide a reinstatement receipt after removing the suspension or invalidation.
- (7)** The bureau may waive the fees assessed in subdivisions (2) and (6) if the payment was dishonored

or rejected due to a financial institution or bureau error, and the bureau receives written documentation of the error and the amount of the dishonored or stopped payment. The bureau shall place any documentation received in the applicable collection file. The bureau may remove a suspension or invalidation imposed under this section if the bureau receives a court order, or the bureau determines the dishonored or rejected payment was due to a financial institution or bureau error.

(Bureau of Motor Vehicles; [140 IAC 8-3-29](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 106. [140 IAC 8-3-30](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 8-3-30](#) Commercial driver's license fees**

Authority: [IC 9-14-2-2](#); [IC 9-24-6-2](#)

Affected: [IC 9-24-6](#); [IC 9-29-3](#)

Sec. 30. (a) The bureau shall collect the following commercial driver's licensing fees:

- (1) A four (4) year commercial driver's license is thirty-two dollars (\$32).
- (2) An addition of a commercial driver's license endorsement, or removal of a commercial driver's license restriction, other than at the time of application is fifteen dollars (\$15).
- (3) A commercial driver's license learner's permit is ten dollars (\$10).
- (4) An amendment to a commercial driver's license learner's permit, including the addition or removal of a commercial driver's license endorsement or restriction, other than at the time of application is five dollars (\$5).
- (5) A commercial driver's license skills test is to be an amount set by the skills test examiner, but shall not exceed one hundred dollars (\$100).
- (6) An agricultural commercial driver's license is thirty-two dollars (\$32).

(b) Under [IC 9-29-3](#), the bureau shall withhold a ten dollar (\$10) service charge from each commercial driver's license issued, and a five dollar (\$5) service charge from each endorsement issued after the initial commercial driver's license application. The money collected for these service charges will be deposited in the state license branch fund.

(Bureau of Motor Vehicles; [140 IAC 8-3-30](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 107. [140 IAC 9-1-0.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-1-0.5](#) Applicability; definitions**

Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#)

Affected: [IC 6-6-11-1](#); [IC 9-13-2](#); [IC 9-31-2-8](#); [IC 14-8-2-53](#)

Sec. 0.5. (a) The definitions in this section apply throughout this article.

(b) "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.



(c) "Boat" has the meaning set forth in [IC 6-6-11-1](#).

(d) "Boat dealer" has the meaning set forth in [IC 9-13-2-42\(c\)](#).

(e) "Bureau" has the meaning set forth in [IC 9-13-2-16](#).

(f) "Certificate of origin" means the original ownership document for a vehicle issued by a manufacturer and provided to the initial purchaser of that vehicle, which begins the vehicle's chain of ownership.

(g) "Conservation officer" has the meaning set forth in [IC 14-8-2-53](#).

(h) "HIN inspection" means the verification of the year, make, and HIN by a police officer or a conservation officer.

(i) "Hull identification number" or "HIN" 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.

(j) "Manufacturer" means a person who is engaged in the business of constructing watercraft for sale to a boat dealer or to the public.

(k) "Motorboat" has the meaning set forth in [IC 9-13-2-103.5](#).

(l) "Person" has the meaning set forth in [IC 9-13-2-124](#).

(m) "Police officer" has the meaning set forth in [IC 9-13-2-127](#).

(n) "Watercraft" has the meaning set forth in [IC 9-13-2-198.5](#).

*(Bureau of Motor Vehicles; [140 IAC 9-1-0.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 108. [140 IAC 9-2-3.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-3.5](#) Purchase of a watercraft that has a previously issued Indiana title**

**Authority:** [IC 9-14-2-2](#); [IC 9-31-1-5](#)

**Affected:** [IC 6-2.5](#); [IC 9-31](#)

**Sec. 3.5. An applicant for a title for a watercraft, which has a previously issued Indiana title, shall present the existing Indiana title. Additionally, the bill of sale must be included if the boat's purchase price was altered or left blank on the certificate of title.**

*(Bureau of Motor Vehicles; [140 IAC 9-2-3.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 109. [140 IAC 9-2-5.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-5.5](#) HIN for watercraft constructed by a person who is 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. 5.5. The following documentation is required to obtain a HIN for a watercraft constructed by a person who is not engaged in the manufacture or sale of watercraft shall be provided:**

- (1) a bill of sale if a person other than the applicant constructed the watercraft; or**
- (2) a sworn statement of ownership and receipts for the materials used to construct the watercraft if the applicant constructed the watercraft.**

*(Bureau of Motor Vehicles; [140 IAC 9-2-5.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 110. [140 IAC 9-2-7](#) IS AMENDED TO READ AS FOLLOWS:

**[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~~ **obtain a watercraft purchased from an owner who has United States Coast Guard ownership documentation:**

- (1) The original [United States Coast Guard ownership](#) 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 111. [140 IAC 9-2-8.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-8.5](#) Transfer of ownership of watercraft by operation of law**

**Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#)**

**Affected: [IC 6](#); [IC 9-31-2-16](#); [IC 29-1-8-1](#)**

**Sec. 8.5. In addition to the requirements of [IC 9-31-2-16](#), a person who obtained ownership of a watercraft by operation of law must present the following documentation to obtain a certificate of title for the watercraft:**

- (1) For ownership due to repossession, a certified copy of the security agreement.**
- (2) For ownership due to a mechanic's lien or a storage lien, a court order that recognizes the perfection of the lien.**
- (3) For ownership due to a marriage dissolution:**
  - (A) the certificate of title with the assignments completed; or**
  - (B) a certified copy of the decree of dissolution of marriage or divorce, with a docket entry containing the judge's signature.**
- (4) For ownership due to the prior owner's death:**
  - (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, and the surviving person or persons may assign title to any person; or**
  - (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 decedent in the same manner as if the decedent was selling the watercraft, and the decedent's name shall be signed followed by the name and title of the person executing the document; however, if the decedent's title is lost or mutilated, then either:**
    - (i) a copy of the letters of administration, letters testamentary, or court order granting an unsupervised administration; or**
    - (ii) a small estate affidavit for an estate that is not greater than the amount specified in [IC 29-1-8-1](#).**
- (5) For ownership due to watercraft abandoned on private property, a court order establishing ownership in the title applicant.**

*(Bureau of Motor Vehicles; [140 IAC 9-2-8.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 112. [140 IAC 9-2-14.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-14.5](#) 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 9-31-2](#)

Sec. 14.5. In addition to the applicable requirements in [IC 9-31-2](#), an application for a certificate of title shall include the following information:

- (1) Each owner's name and signature.
- (2) The applicant's Social Security number or federal identification number.
- (3) The former title number, if any.
- (4) The current registration number, if any.
- (5) The date of purchase.

(Bureau of Motor Vehicles; [140 IAC 9-2-14.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 113. [140 IAC 9-2-15.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-15.5](#) Hull identification number (HIN)**

Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#)

Affected: [IC 6-2.5](#); [IC 9-29-15-2](#); [IC 9-31-2-8](#)

Sec. 15.5. (a) In addition to [IC 9-31-2-8](#), the bureau shall assign a HIN when the following conditions exist upon the completion of an application for a title:

- (1) The number placed on a watercraft does not comply with the definition of a HIN under [140 IAC 9-1-1](#).
- (2) The same HIN is placed on another watercraft that is titled or registered in Indiana.

(b) To obtain a new HIN, the applicant must include with the HIN application the information required by [IC 9-31-2-8](#) and a recent and accurate photograph of the watercraft.

(c) The HIN 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 the owner receiving the HIN.

(Bureau of Motor Vehicles; [140 IAC 9-2-15.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 114. [140 IAC 9-2-22](#) IS AMENDED TO READ AS FOLLOWS:

**[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 of title.

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 115. [140 IAC 9-2-24.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-24.5](#) Determination of excise tax for new boats**

Authority: [IC 6-6-11-10](#); [IC 9-14-2-2](#)

Affected: [IC 6-6-11-8](#)

Sec. 24.5. Under [IC 6-6-11-10](#), the bureau will determine the value of a new boat for excise tax purposes according to the amount listed on the:

- (1) bill of sale;
- (2) certificate of origin;
- (3) Indiana department of state revenue form that reflects the purchase price; or
- (4) boat's value appearing in the publication that the bureau uses, which contains manufacturer's price information.

(Bureau of Motor Vehicles; [140 IAC 9-2-24.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 116. [140 IAC 9-2-25.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-25.5](#) HIN inspection**

Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#); [IC 9-31-2-25](#)

Affected: [IC 9-31-2](#)

Sec. 25.5. (a) A HIN inspection is required before a certificate of title may be issued for a watercraft except for any of the following:

- (1) A new watercraft sold by a boat dealer licensed to do business in Indiana.
- (2) A watercraft transferred or assigned on an Indiana certificate of title.

(b) The bureau may require a HIN inspection whenever the bureau determines a HIN inspection is necessary to verify the accuracy of a HIN or of the information on a title or a title application.

(c) A police officer or a conservation officer shall conduct a HIN inspection and include the following information on the HIN inspection form:

- (1) The HIN.
- (2) The watercraft's make and year.
- (3) The badge number, signature, title, and agency of the police officer or conservation officer.
- (4) The HIN inspection date.

(Bureau of Motor Vehicles; [140 IAC 9-2-25.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 117. [140 IAC 9-2-28](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-2-28](#) Fee for late title application**

Authority: [IC 9-31-1-5](#)

Affected: [IC 9-29](#); [IC 9-31-2-6](#); [IC 9-31-2-17](#)

Sec. 28. (a) To determine the date that a person obtained ownership for purposes of imposing the late title fee under [IC 9-31-2-17](#), the bureau will use the earliest date of a seller's signature on an assigned title, certificate of origin, or bill of sale. If a date has been altered, the bureau shall impose a late title fee.

(b) 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 title fee.

(Bureau of Motor Vehicles; [140 IAC 9-2-28](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 118. [140 IAC 9-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 9-4-1](#) Motorboat registration**

Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#)

Affected: [IC 9-31-3-10](#); [IC 9-31-4](#)

Sec. 1. (a) The identification **motorboat registration** number issued under the Indiana numbering system [IC 9-31-3-10](#) shall be divided into the following **three (3)** 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, **neither of which may be the letters "I", "O", or "Q"**.

(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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 119. [140 IAC 9-4-2.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-4-2.5](#) Display of motorboat registration number**

Authority: [IC 9-14-2-2](#); [IC 9-31](#)

Affected: [IC 9-31-3](#); [IC 9-31-4](#)

Sec. 2.5. The motorboat registration number shall be displayed in the manner specified in 33 CFR 173.27\*.

**\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

*(Bureau of Motor Vehicles; [140 IAC 9-4-2.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 120. [140 IAC 9-4-3.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-4-3.5](#) Application for motorboat certificate of registration**

Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#)

Affected: [IC 9-31-3-8](#)

Sec. 3.5. The application for a motorboat certificate of registration shall be made upon a bureau-designated form and, in addition to the information that [IC 9-31-3-8](#) requires, shall contain the following information pertaining to the motorboat:

- (1) The owner's name, address, date of birth, and citizenship.
- (2) The make.
- (3) The year it was built, if known.
- (4) The length.
- (5) The series of model, if known.
- (6) The manufacturer's serial number, if known.
- (7) The current registration number, if any.
- (8) The state in which it is principally used.
- (9) The hull's material, such as:

- (A) wood;
  - (B) steel;
  - (C) aluminum;
  - (D) plastic; or
  - (E) other.
- (10) The type of propulsion, such as:
- (A) outboard;
  - (B) inboard; or
  - (C) other.
- (11) The type of fuel, such as:
- (A) gas;
  - (B) diesel; or
  - (C) other.
- (12) A statement as to the motorboat's use, for example:
- (A) pleasure;
  - (B) livery;
  - (C) commercial-passenger;
  - (D) commercial-fishing; or
  - (E) commercial-other.

(Bureau of Motor Vehicles; [140 IAC 9-4-3.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 121. [140 IAC 9-4-4.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 9-4-4.5](#) Certificate of registration contents**

Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#)

Affected: [IC 9-31-3-10](#)

Sec. 4.5. In addition to the information that [IC 9-31-3-10](#) requires, the certificate of registration shall contain the following information pertaining to the motorboat:

- (1) The make and length.
- (2) The manufacturer's serial number, if any.
- (3) The owner's signature.
- (4) The certificate of registration's expiration date.

(Bureau of Motor Vehicles; [140 IAC 9-4-4.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 122. [140 IAC 9-4-6](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 9-4-6](#) Livery (rental) 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 A livery boat operator's application and for a certificate of registration, and the certificate of registration, shall be the same as the approved form.~~ **in all manner comply with the applicable requirements in this rule with the following exceptions:**

- ~~(b)~~ **(1)** The word "livery" will be plainly marked on each certificate of registration.
- ~~(c)~~ **(2)** In addition to the **registration** number **located** 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; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))

SECTION 123. [140 IAC 9-4-6.5](#) IS ADDED TO READ AS FOLLOWS:

**140 IAC 9-4-6.5 Cancellation of registration**

Authority: [IC 9-14-2-2](#); [IC 9-31-1-5](#)

Affected: [IC 9-31-3](#)

**Sec. 6.5. (a)** The bureau may cancel a registration upon receiving notification from a non-Indiana state agency that the motorboat is registered with that state agency.

**(b)** The person in whose name the motorboat is registered must surrender a canceled certificate of registration upon demand by the bureau, a police officer, or a conservation officer.

**(c)** The cancellation of a registration does not determine ownership of the motorboat.

*(Bureau of Motor Vehicles; [140 IAC 9-4-6.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 124. [140 IAC 9-4-8](#) IS ADDED TO READ AS FOLLOWS:

**140 IAC 9-4-8 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. 8.** A person applying to renew a certificate of registration who wants to retain the same registration number for a motorboat shall submit the application to the bureau not later than six (6) months after the expiration date of the motorboat's certificate of registration.

*(Bureau of Motor Vehicles; [140 IAC 9-4-8](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#))*

SECTION 125. THE FOLLOWING ARE REPEALED: [140 IAC 1-1-5](#); [140 IAC 1-1-7](#); [140 IAC 1-1-9](#); [140 IAC 1-1-10](#); [140 IAC 1-1-12](#); [140 IAC 1-2-1](#); [140 IAC 1-2-2](#); [140 IAC 1-2-3](#); [140 IAC 1-4.5-1](#); [140 IAC 1-4.5-6](#); [140 IAC 1-5](#); [140 IAC 1-7-1](#); [140 IAC 1-7-7](#); [140 IAC 1-8-2](#); [140 IAC 2-1-1](#); [140 IAC 2-1-8](#); [140 IAC 2-1-9](#); [140 IAC 2-1-10](#); [140 IAC 2-3-4](#); [140 IAC 2-3-7](#); [140 IAC 2-4-3](#); [140 IAC 2-4-8](#); [140 IAC 3-4-1](#); [140 IAC 3-4-2](#); [140 IAC 3-5-1](#); [140 IAC 4-4-4](#); [140 IAC 4-4-5](#); [140 IAC 5-1](#); [140 IAC 6-1-1](#); [140 IAC 6-1-6](#); [140 IAC 6-1-7](#); [140 IAC 6-1-8](#); [140 IAC 6-1-9](#); [140 IAC 6-1-10](#); [140 IAC 6-1-11](#); [140 IAC 6-1-12](#); [140 IAC 6-1-15](#); [140 IAC 6-1-16](#); [140 IAC 6-1-17](#); [140 IAC 6-1-18](#); [140 IAC 6-1-19](#); [140 IAC 6-1-20](#); [140 IAC 7-2-1](#); [140 IAC 7-2-2](#); [140 IAC 7-2-3](#); [140 IAC 7-2-4](#); [140 IAC 7-2-12](#); [140 IAC 7-3-1](#); [140 IAC 7-3-3](#); [140 IAC 7-3-5](#); [140 IAC 7-3-6](#); [140 IAC 7-3-8](#); [140 IAC 7-3-11](#); [140 IAC 7-3-12](#); [140 IAC 7-3-15](#); [140 IAC 7-3-16](#); [140 IAC 7-3-17](#); [140 IAC 7-3-19](#); [140 IAC 7-3-20](#); [140 IAC 7-4-1](#); [140 IAC 7-4-2](#); [140 IAC 8-1-2](#); [140 IAC 8-1-3](#); [140 IAC 8-2-1](#); [140 IAC 8-2-2](#); [140 IAC 8-2-3](#); [140 IAC 8-2-4](#); [140 IAC 8-3-6](#); [140 IAC 8-3-7](#); [140 IAC 9-1-2](#); [140 IAC 9-1-6](#); [140 IAC 9-1-8](#); [140 IAC 9-1-17](#); [140 IAC 9-1-20](#); [140 IAC 9-1-22](#); [140 IAC 9-2-1](#); [140 IAC 9-2-2](#); [140 IAC 9-2-3](#); [140 IAC 9-2-4](#); [140 IAC 9-2-5](#); [140 IAC 9-2-6](#); [140 IAC 9-2-8](#); [140 IAC 9-2-9](#); [140 IAC 9-2-10](#); [140 IAC 9-2-11](#); [140 IAC 9-2-12](#); [140 IAC 9-2-13](#); [140 IAC 9-2-14](#); [140 IAC 9-2-15](#); [140 IAC 9-2-16](#); [140 IAC 9-2-17](#); [140 IAC 9-2-18](#); [140 IAC 9-2-19](#); [140 IAC 9-2-20](#); [140 IAC 9-2-23](#); [140 IAC 9-2-24](#); [140 IAC 9-2-25](#); [140 IAC 9-2-26](#); [140 IAC 9-2-27](#); [140 IAC 9-4-2](#); [140 IAC 9-4-3](#); [140 IAC 9-4-4](#); [140 IAC 9-4-7](#).

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