
Indiana Register

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TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-406

Under IC 4-22-2.5-4, the Medical Licensing Board of Indiana intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rule to be readopted without changes is as follows:

844 IAC 11-5-2 Reinstatement of delinquent license

Questions or comments on the readoption may be directed by mail to the Health Professions Bureau, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to cvaught@hpb.state.in.us. Statutory authority: IC 25-34.5-2-7.

Readopted Rules

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE

LSA Document #01-311(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

10 IAC 2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

10 IAC 2 CONTRACT APPROVAL

LSA Document #01-311(F)

Intent to Readopt Rules Published: September 1, 2001; 24 IR 4197

Proposed Readopted Rules Published: October 1, 2001; 25 IR 183

Hearing Held: November 5, 2001

Filed with Secretary of State: November 6, 2001, 10:15 a.m.

TITLE 20 STATE BOARD OF ACCOUNTS

LSA Document #01-192(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

20 IAC 1

20 IAC 2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

20 IAC 1 FIELD EXAMINERS

20 IAC 2 TAX INCREMENT FINANCE

LSA Document #01-192(F)

Intent to Readopt Rules Published: July 1, 2001; 24 IR 3204

Proposed Readopted Rules Published: October 1, 2001; 25 IR 183

Hearing Held: November 8, 2001

Filed with Secretary of State: November 8, 2001, 2:00 p.m.

TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

LSA Document #01-216(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with secretary of state.

35 IAC 1.2-1-1

35 IAC 1.2-1-2

35 IAC 1.2-2

35 IAC 1.2-3-1

35 IAC 1.2-3-2

35 IAC 1.2-3-3

35 IAC 1.2-3-4

35 IAC 1.2-3-5

35 IAC 1.2-3-6

35 IAC 1.2-3-7

35 IAC 1.2-3-8

35 IAC 1.2-3-9

35 IAC 1.2-3-11

35 IAC 1.2-3-12

35 IAC 1.2-4-1

35 IAC 1.2-4-2

35 IAC 1.2-4-3

35 IAC 1.2-4-4

35 IAC 1.2-4-5

35 IAC 1.2-5-1

35 IAC 1.2-5-2

35 IAC 1.2-5-4

35 IAC 1.2-5-7

35 IAC 1.2-5-8

35 IAC 1.2-5-9

35 IAC 1.2-5-10

35 IAC 1.2-5-11

35 IAC 1.2-5-12

35 IAC 1.2-5-14

35 IAC 1.2-5-15

35 IAC 1.2-5-16

35 IAC 1.2-5-17

35 IAC 1.2-5-20

35 IAC 1.2-6-1

35 IAC 1.2-6-2

35 IAC 1.2-6-4

35 IAC 1.2-6-5

35 IAC 1.2-6-6

35 IAC 1.2-7-1

35 IAC 1.2-7-2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

35 IAC 1.2-1-1 Administration

35 IAC 1.2-1-2 Delegation of authority; powers and duties of executive secretary

35 IAC 1.2-2-1 Definitions

35 IAC 1.2-3-1 Creditable service

35 IAC 1.2-3-2 Reemployment after termination of employment; suspension of membership; withdrawal of contributions

35 IAC 1.2-3-3 School employees

35 IAC 1.2-3-4 Full service credit

35 IAC 1.2-3-5 Leave of absence

35 IAC 1.2-3-6 Reinstatement

35 IAC 1.2-3-7 Service credit for injured employees

35 IAC 1.2-3-8 Unused sick leave

35 IAC 1.2-3-9 Optional service

35 IAC 1.2-3-11 Comprehensive Employment Training Act (CETA)

35 IAC 1.2-3-12 Purchase of prior bureau of motor vehicles commission service

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- 35 IAC 1.2-4-1 Members of the fund
- 35 IAC 1.2-4-2 Comprehensive Employment Training Act (CETA) administrators
- 35 IAC 1.2-4-3 School bus drivers
- 35 IAC 1.2-4-4 Students excluded
- 35 IAC 1.2-4-5 Prosecuting attorneys and deputy prosecuting attorneys
- 35 IAC 1.2-5-1 Retirement options
- 35 IAC 1.2-5-2 Disability benefits; eligibility
- 35 IAC 1.2-5-4 Disability alternatives
- 35 IAC 1.2-5-7 Service for disability and survivor benefits
- 35 IAC 1.2-5-8 Combined service in teachers' and public employees' retirement funds
- 35 IAC 1.2-5-9 Dependent beneficiaries
- 35 IAC 1.2-5-10 Designated dependent beneficiary
- 35 IAC 1.2-5-11 Benefits payable upon death
- 35 IAC 1.2-5-12 Minimum disability retirement benefit
- 35 IAC 1.2-5-14 Five year guaranteed benefits
- 35 IAC 1.2-5-15 No guarantee option
- 35 IAC 1.2-5-16 Teachers Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF)
- 35 IAC 1.2-5-17 Birth date; proof required
- 35 IAC 1.2-5-20 Early retirement reduction of benefits
- 35 IAC 1.2-6-1 Quarterly reports
- 35 IAC 1.2-6-2 Admission to fund
- 35 IAC 1.2-6-4 Deductions for health insurance and taxes; minimum amount
- 35 IAC 1.2-6-5 Interest on employers' accounts
- 35 IAC 1.2-6-6 Refund of contributions
- 35 IAC 1.2-7-1 Administrative orders; proceedings; reviews
- 35 IAC 1.2-7-2 Pre-trial procedures

LSA Document #01-216(F)

*Intent to Readopt Rules Published: July 1, 2001; 24 IR 3204
Proposed Readopted Rules Published: September 1, 2001; 24 IR 4201*

Hearing Held: October 4, 2001

Filed with Secretary of State: October 31, 2001, 2:18 p.m.

TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

LSA Document #01-218(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with secretary of state.

35 IAC 2
35 IAC 4

35 IAC 6
35 IAC 8

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 35 IAC 2 POLICE AND FIREFIGHTERS' PENSION AND DISABILITY FUND (1977 FUND)
- 35 IAC 4 CONSERVATION AND EXCISE OFFICERS' RETIREMENT FUND
- 35 IAC 6 PENSION RELIEF FUND
- 35 IAC 8 MODEL PLAN AMENDMENTS

LSA Document #01-218(F)

*Intent to Readopt Rules Published: July 1, 2001; 24 IR 3205
Proposed Readopted Rules Published: September 1, 2001; 24 IR 4204*

Hearing Held: October 4, 2001

Filed with Secretary of State: October 31, 2001, 2:21 p.m.

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #01-24(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

68 IAC 1
68 IAC 2
68 IAC 6

68 IAC 7
68 IAC 8
68 IAC 9

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 68 IAC 1 GENERAL PROVISIONS
- 68 IAC 2 LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT
- 68 IAC 6 EXCLUSION AND EVICTION OF PERSONS
- 68 IAC 7 DENIAL AND EXCLUSION HEARINGS
- 68 IAC 8 PUBLIC SAFETY AND EXCURSIONS
- 68 IAC 9 ETHICS

LSA Document #01-24(F)

Intent to Readopt Rules Published: February 1, 2001; 24 IR 1454

Proposed Readopted Rules Published: April 1, 2001; 24 IR 2202

Hearing Held: May 2, 2001

Filed with Secretary of State: October 15, 2001, 4:34 p.m.

Readopted Rules

TITLE 71 INDIANA HORSE RACING COMMISSION

LSA Document #01-38(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

71 IAC 1	71 IAC 7
71 IAC 1.5	71 IAC 7.5
71 IAC 2	71 IAC 8
71 IAC 3	71 IAC 8.5
71 IAC 3.5	71 IAC 9
71 IAC 4	71 IAC 10
71 IAC 4.5	71 IAC 11
71 IAC 5	71 IAC 12
71 IAC 5.5	71 IAC 13.5
71 IAC 6	71 IAC 14.5
71 IAC 6.5	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 71 IAC 1 DEFINITIONS
- 71 IAC 1.5 FLAT RACING; DEFINITIONS
- 71 IAC 2 COMMISSION
- 71 IAC 3 OFFICIALS
- 71 IAC 3.5 FLAT RACING; OFFICIALS
- 71 IAC 4 ASSOCIATIONS
- 71 IAC 4.5 FLAT RACING; ASSOCIATIONS
- 71 IAC 5 LICENSEES
- 71 IAC 5.5 FLAT RACING; LICENSEES
- 71 IAC 6 TYPES OF RACING
- 71 IAC 6.5 FLAT RACING; CLAIMING RACES
- 71 IAC 7 RULES OF THE RACE
- 71 IAC 7.5 FLAT RACING; RULES OF THE RACE
- 71 IAC 8 HUMAN AND EQUINE HEALTH
- 71 IAC 8.5 FLAT RACING; HUMAN AND EQUINE HEALTH
- 71 IAC 9 PARI-MUTUEL WAGERING
- 71 IAC 10 DUE PROCESS AND DISCIPLINARY ACTION
- 71 IAC 11 PERMIT APPLICATION REQUIREMENTS AND CRITERIA
- 71 IAC 12 SATELLITE FACILITY AND SIMULCASTING
- 71 IAC 13.5 THOROUGHBRED DEVELOPMENT PROGRAM
- 71 IAC 14.5 QUARTER HORSE DEVELOPMENT PROGRAM

LSA Document #01-38(F)

Intent to Readopt Rules Published: March 1, 2001; 24 IR 1942

Proposed Readopted Rules Published: August 1, 2001; 24 IR 3788

Hearing Held: September 5, 2001

Filed with Secretary of State: October 30, 2001, 11:50 a.m.

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #01-234(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

105 IAC 1	105 IAC 6-2
105 IAC 2	105 IAC 7
105 IAC 3	105 IAC 9
105 IAC 4	105 IAC 10
105 IAC 5	105 IAC 11
105 IAC 6-1	105 IAC 12

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 105 IAC 1 PROCEDURAL REQUIREMENTS
- 105 IAC 2 AIRCRAFT OPERATION
- 105 IAC 3 AIRPORTS
- 105 IAC 4 LIGHTER-THAN-AIR AIRCRAFT
- 105 IAC 5 RAILROADS
- 105 IAC 6-1 Real Estate Speculation by Employees Prohibited
- 105 IAC 6-2 Licensing of Contractors
- 105 IAC 7 PERMITS FOR HIGHWAYS
- 105 IAC 9 TRAFFIC CONTROL DEVICES FOR HIGHWAYS
- 105 IAC 10 OVERSIZE AND/OR OVERWEIGHT VEHICULAR PERMITS FOR HIGHWAYS
- 105 IAC 11 PREQUALIFICATION OF CONTRACTORS AND BIDDING
- 105 IAC 12 PROCUREMENT OF SUPPLIES AND SERVICES

LSA Document #01-234(F)

Intent to Readopt Rules Published: August 1, 2001; 24 IR 3786

Proposed Readopted Rules Published: October 1, 2001; 25 IR 184

Hearing Held: November 7, 2001

Filed with Secretary of State: November 7, 2001, 3:20 p.m.

Readopted Rules

TITLE 130 INDIANA PORT COMMISSION

LSA Document #01-319(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

130 IAC 1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

130 IAC 1 REGULATION OF TRAFFIC; PROTECTION OF PROPERTY; PRESERVATION OF ORDER

LSA Document #01-319(F)

Intent to Readopt Rules Published: September 1, 2001; 24 IR 4197

Proposed Readopted Rules Published: October 1, 2001; 25 IR 185

Hearing Held: November 7, 2001

Filed with Secretary of State: November 8, 2001, 3:10 p.m.

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-75(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 1-1-7	140 IAC 1-4.5-6
140 IAC 1-1-11	140 IAC 1-4.5-10
140 IAC 1-2-2	140 IAC 1-5-3
140 IAC 1-2-3	140 IAC 1-8-1
140 IAC 1-4.5-4	

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 1-1-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-1-7 Record of hearing

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 7. **RECORDATION:** ~~(1) At the request of any party, and at such party's expense;~~ **(a)** There shall be made a tape recording of the entire course of the scheduled hearing, including all testimony, offers of evidence, objections, and any rulings with regard thereto.

~~(2) (b)~~ The transcript, consisting of the reduction to writing of all matters on such tape recording, together with any exhibits, written notices, pleadings, motions, requests, or other such papers filed, exclusive of briefs and arguments of law, and together with the hearing officer's findings of fact, and final order of determination, shall constitute the complete and exclusive record of such hearing.

~~(3) Such recording and transcript shall be made solely at the order of, and under the authority and control of the Commissioner.~~

~~(4) In such cases where (c)~~ A recording and/or transcript ~~may be made;~~ they shall be available to all parties for examination and shall be retained intact in the custody of the bureau of motor vehicles for a period of not less than forty-five (45) days from date upon which the final order of determination was issued.

~~(5) (d)~~ Any party may obtain a copy of such recording and/or transcript at such party's written request and expense.

~~(6) Any party desiring that such recording be made at the scheduled hearing shall so inform the Commissioner, in writing, at least five (5) days prior to the date of the scheduled hearing.~~ **(e)** Such request for a recording shall contain a written promise to pay for the reasonable and actual cost of making such recording. ~~before such hearing is convened. A failure to so inform the Commissioner or a~~ **The failure to agree to pay for such cost of recording in such request or a failure to provide such payment before such hearing convenes shall be deemed to have waived the right to have render the request for such recording made and shall further be no ground whatsoever for a continuance of the administrative hearing: canceled.**

~~(7) (f)~~ Any transcript or copy thereof derived from any recording of an administrative hearing under this rule shall be **made provided by an employee of the bureau of motor vehicles, and the cost of such transcript or such copy thereof shall be only the actual hourly salary expense of such employee for the period required to reduce such recording to writing, or to copy such original transcript as the case may be.**

~~(8) (g)~~ Any transcript or any copy thereof so derived from any recording of an administrative hearing under this rule shall be certified by the commissioner as being full, complete, and true and correct transcript of the said hearing over said commissioner's signature and such certification shall have the seal of the bureau of motor vehicles affixed thereto.

~~(9) (h)~~ At all hearings, ~~other than those in which the respondent shall have invoked provisions (1) through (8) of this rule;~~ the record of the administrative cause shall consist of any documentary evidence introduced and admitted, together with the notice of hearing, all pleadings, records of the bureau **of motor vehicles** considered at such hearing, and ~~the hearing~~

officer's findings of fact, and the final order of determination based thereon. All motions submitted in writing by any party shall also be included and considered a part of such record, together with any ruling thereon endorsed on the face thereof. (*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule VII; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 98; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 900*)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 1-1-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-1-11 Final orders

Authority: IC 9-14-2-2

Affected: 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, shall constitute the final order of determination of the administrative cause.

(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 ~~as of~~ **on** the date ~~on which such respondent surrenders his or her license to the bureau of motor vehicles and obtains a receipt therefore;~~ **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

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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. (*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*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 1-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-2-2 Minimum term of insurance

Authority: IC 9-14-2-2; IC 9-25-3-5
Affected: IC 9-24; IC 9-25-4

Sec. 2. ~~ISSUANCE OF INSURANCE NINETY (90) DAY PREMIUM MINIMUM.~~ Whenever any person, by virtue of the laws of this state, is required to furnish proof of financial responsibility in the future as a condition precedent to the issuance of a drivers license, and such person elects to satisfy such requirement by furnishing proof that he ~~or she~~ is insured under a motor vehicle liability policy, he ~~or she~~ shall file with the commissioner, or cause to be filed on his ~~or her~~ behalf, a certificate from an insurance carrier duly authorized to do business in this state, certifying that the carrier has issued to him ~~or her~~ or for his ~~or her~~ benefit as the named insured, a motor vehicle liability policy providing coverage, which shall not be less than prescribed by law. Any policy issued by any carrier to satisfy the requirements of the law governing proof of financial responsibility shall be issued for a period of not less than ninety (90) days. ~~and no carrier, having issued such policy shall accept, during the first ninety (90) days, a cancellation at the request of the insured until after such insured has surrendered his license to the Commissioner. The filing of a certificate by a carrier shall be deemed conclusive proof that at least ninety (90) days coverage has been issued and such filing shall also constitute a waiver by the carrier of its right to cancel the policy within the first ninety (90) days for reason of non-payment of premium by the insured or his legal agent.~~ (*Bureau of Motor Vehicles; Financial Responsibility Rule II; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 902*)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 1-2-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-2-3 Minimum term of reinstatement insurance

Authority: IC 9-14-2-2; IC 9-25-3-5
Affected: IC 9-25

Sec. 3. ~~REINSTATEMENT INSURANCE NINETY (90) DAY PREMIUM MINIMUM.~~ Whenever a certificate as described in section 2 of this rule has been filed with and accepted by the bureau of motor vehicles, and thereafter such certificate is cancelled, withdrawn, or nullified by the insured or by the carrier when permitted under these rules or applicable law, no new certificate evidencing proof of insurance shall be accepted from or on behalf of the insured unless the original carrier or an alternate carrier has issued a new or reinstated motor vehicle liability policy providing coverage for a period of not less than ninety (90) days. ~~In such cases, all rights of cancellation by the insured or the carrier shall be governed by the same provisions as described in section 2 of this rule.~~ (*Bureau of Motor Vehicles; Financial Responsibility Rule III; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 902*)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-4 Point accumulation

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 ~~the number of twelve (12) active points within the periods of time as identified in subsection (b) shall; upon notice from the bureau, a twelve (12) month period will automatically~~ be placed on probation ~~without a hearing; however, within fifteen (15) days of receipt of the bureau's and will receive a notice placing a driver on probation; the driver, in writing, may request an administrative hearing to determine the validity of the bureau's action in placing a probationary limitation upon the driver's driving record. Any probation awarded by from the bureau without a hearing shall be for a period of six (6) months. During any probationary period; the driver may not accumulate any indicating that the accumulation of additional points Any additional points will may subject the driver to an administrative hearing. action. A driver shall be on probation until such time as the active points fall below twelve (12) points.~~

(b) Driver point accumulations shall be as follows:

(1) Twelve (12) points accumulated over a twenty-four (24) consecutive month period; after any credit earned by completion of a defensive driving course; by a driver over eighteen (18) years of age.

(2) Ten (10) points accumulated over a twenty-four (24) consecutive month period; after any credit earned by completion of a defensive driving course; by a driver under eighteen (18) years of age.

(3) Eight (8) points accumulated over a one (1) year period; after any credit earned by completion of a defensive driving course; for a driver who holds a temporary motorcycle learner's permit or a motorcycle learner's permit when such points are assessed for violation of the respective learner's permit.

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

(d) Any driver who has been placed on probation without a hearing and who has accumulated eight (8) or more unrecorded points from violations that occurred prior to the probation date and such points are not utilized in placing the driver on probation will be required to reappear for an administrative hearing that may result in extending the probation period or placing the driver on suspension:

(e) (c) A driver accumulating ~~seventeen (17)~~ **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, upon notice from the bureau, be cited for an administrative hearing.

(d) 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.

(f) (e) If the driver fails to successfully complete the probationary or suspension period, the points ~~shall remain active~~ **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.

(g) (f) 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*)

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-6 Hearings; reinstatement of suspended license

Authority: IC 9-14-2-2
Affected: IC 4-21.5-3-4; IC 9-24-10; IC 9-29-13-1

Sec. 6. (a) Factors considered by the hearing officer at the **point administrative** hearing shall be as follows:

- (1) All convictions or judgments listed on the driver's record that led to the accumulation of points shall be considered. The hearing is not open to a redetermination or collateral attack on those judgments or convictions.
- (2) Evaluation of the driver's attitude.
- (3) Evaluation of the number of miles driven by the driver during the period in which the excessive points were accumulated.

(4) Any other factors that:

- (A) might have affected the individual's driving record; or
- (B) may affect the individual's driving habits of the future.

(b) **Determination of the hearing officer:** The hearing officer within his or her discretion for **point administrative** hearings may: **either:**

- (1) suspend the driving privileges of an individual for up to one (1) year ~~or (2) and/or~~ place the driving privileges of an individual on probation for up to one (1) year ~~The hearing officer may also; in addition to the determination in this subsection; direct that the individual provided, however, that a combined period of suspension and probation not exceed one (1) year;~~
- (2) require a driver to submit to an examination, in accordance with IC 9-24-10; or**
- (3) require a driver to attend the bureau's defensive driving and satisfactorily complete a driver improvement course.**

(c) If the individual's license is suspended, the ~~driver, individual,~~ after the suspension period has expired, may have his or her license reinstated by forwarding a reinstatement fee **and satisfying all other applicable reinstatement requirements**, in accordance with IC 9-29-13-1 to the bureau of motor vehicles. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-6; filed Nov 9, 1983, 3:41 p.m.: 7 IR 28; filed Sep 5, 1995, 12:00 p.m.: 19 IR 7; errata filed Nov 2, 1995, 3:00 p.m.: 19 IR 353; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 903*)

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-10 Point value table

Authority: IC 9-14-2-2
Affected: IC 7.1-5-7-7; IC 9-19; IC 9-21; IC 9-24; IC 9-25; IC 9-26-1; IC 9-30; IC 14-15; IC 20-9.1-5; IC 35-42; IC 35-43-1-2; IC 35-44-3-3; IC 35-48-4

Sec. 10. (a) The bureau will periodically update the point value table, as needed, with the assistance of the point study committee. Points assessed in subsection (d), Table 1 shall be for:

- (1) violations of Indiana traffic statutes or local ordinances; or
- (2) out-of-state violations reported to the bureau from **a any** state ~~that belongs to the driver's license compact~~ for which an equivalent offense exists in Indiana.

(b) Requirements for recording conviction records shall be as follows:

- (1) All records of traffic convictions received by the bureau from the court entering judgment or conviction shall be recorded based upon the Indiana Code cite.
- (2) Leaving the scene of an accident under IC 9-26-1 shall be treated as an accident in excess of ~~two~~ **seven hundred fifty** dollars (~~\$200~~) (**\$750**) requiring a mandatory suspension unless the accident is specifically designated on the record of conviction as less than ~~two~~ **seven hundred fifty** dollars (~~\$200~~) (**\$750**).

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(3) ~~All~~ Suspensions, whether **issued** by the bureau or ~~traffic~~ **a court of competent jurisdiction**, shall be run ~~consecutively~~ **concurrently** unless the administrative hearing officer or ~~traffic~~ court judge specifically designates that the suspensions ~~should be run consecutively~~: **consecutively**.

(4) Property damage or personal injury shall not be presumed to have occurred when assessing points for reckless driving violations unless such property damage or personal injury is specifically indicated on the record of conviction by the court.

(5) All equipment violations shall be imputed to the driver of the vehicle.

(c) Any traffic violation that is subject to statutory change shall retain the same point designation until the regulations are amended unless such traffic violation is entirely repealed by the statutory change whereby no points shall be assessed for that violation.

(d) Table 1, establishing the point value system, shall be as follows:

Table 1.
Point Value¹

Indiana Code Cross Reference	Description of Violation	Point Value ²
7.1-5-7-7	Possessing, consuming, or transporting alcohol while operating a motor vehicle by an individual less than 21 years of age	4 6 + MS
9-24-18-12	Equipment violation with respect to brakes	4
9-19-3-1 et seq. (formerly 9-8-6-32, 9-8-6-33, 9-8-6-34)	Bumper violation	2
9-19-4-1 et seq. (formerly 9-8-6-37.5)	Failure of commercial vehicle to carry required emergency equipment	2
9-19-5-6 (formerly 9-8-6-41)	Equipment violation with w/ respect to vehicle lights, reflectors, stop lights, warning signals; failure to use when required	2
9-19-6-1 et seq. 9-21-7-1 et seq. (formerly 9-8-6-1 et seq.)	No motorcycle headgear or protective eye wear (under 18 years old of age)	4
9-19-7-1 9-21-10-9 (formerly 9-8-9-3.1)	Motorcycle equipment violation	2
9-19-7-2 (formerly 9-8-9-4)	Muffler violation	2
9-19-8-1 et seq. (formerly 9-8-6-36.6)	Child restraint violation	4 8
9-19-11-2 9-19-11-3 (formerly 9-8-13-2, 9-8-13-3)	Disregarding traffic control signal	4
9-21-3-7		
9-21-3-8		
9-21-3-9		
9-21-3-10		
9-21-3-11 (formerly 9-4-1-35)		

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9-21-4-11	Failure to yield; failure to obey stop or yield signs	6
9-21-4-17		
9-21-4-18		
9-21-8-29		
9-21-8-30		
9-21-8-31		
9-21-8-32		
9-21-8-33		
9-21-8-34		
9-21-8-35 9-21-8-35(a)		
9-21-8-36		
(formerly 9-4-1-81, 9-4-1-82, 9-4-1-83, 9-4-1-84 , 9-41-1-84 [sic., 9-4-1-84], 9-4-1-85, 9-4-1-87, 9-4-1-110)		
9-21-8-35(b)	Failure to change lanes or decrease speed when approaching a	8
9-21-8-35(c)	stationary emergency, recovery, or maintenance vehicle	
9-21-4-12	Improper passing in violation of clearly visible signs or markings	4
9-21-4-13		
9-21-4-18		
(formerly 9-4-1-70)		
9-21-4-16	Disregarding stop sign at railroad crossing	6
9-21-4-18		
(formerly 9-4-1-107)		
9-21-5-1	Miscellaneous Misc. speeding violations:	
9-21-5-2	Excessive speed not indicated	2
9-21-5-3	1–15 MPH in excess of limit	2
9-21-5-4	16–25 MPH in excess of limit	4
9-21-5-5	Over 25 MPH in excess of limit	6
9-21-5-6		
9-21-5-11		
9-21-5-12 (formerly 9-4-1-57)		
9-21-5-7	Minimum speed violation, slow vehicle in improper lane	2
9-21-5-8		
9-21-5-9		
9-21-8-2(b)		
(formerly 9-4-1-59, 9-4-1-63(5))		
9-21-5-10	Unsafe speed on bridge or elevated structure	4
(formerly 9-4-1-60)		
9-21-6-1	Speed contest on streets or highways (drag racing)	8
(formerly 9-4-6-2)		
9-21-8-1	Disregarding police officer directing traffic [sic.]	6
(formerly 9-4-1-24)		
9-21-8-2(a)	Driving on left side of road when not permitted	4
(formerly 9-4-1-63)		
9-21-8-4	Improper passing of another vehicle proceeding in opposite direction	4
(formerly 9-4-1-65)		
9-21-8-5	Improper passing (cutting in); refusing to give way to overtaking vehicle	4
(formerly 9-4-1-66)		
9-21-8-6	Improper passing to the right	4
(formerly 9-4-1-67)		
9-21-8-7	Improper passing to the left—interfering with safety of oncoming traffic	4 6
(formerly 9-4-1-68)		

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9-21-8-7.5	Failure to merge at work site	8
9-21-8-8 (formerly 9-4-1-69)	Driving to the left of center on 2-way roadway (special conditions)	4
9-21-8-9 (formerly 9-4-1-71(b))	Wrong way on a 1-way road	4
9-21-8-10 (formerly 9-4-1-71)	Driving left of rotary island	4
9-21-8-11 (formerly 9-4-1-72)	Improper driving on roadways with traffic lanes	4
9-21-8-12	Lane restriction violation by truck	4
9-21-8-13 (formerly 9-4-1-64)		
9-21-8-14	Following too closely	6
9-21-8-15		
9-21-8-16 (formerly 9-4-1-73)		
9-21-8-18 (formerly 9-4-1-74)	Entrance or exit violations violation on limited access highways	4
9-21-8-21 (formerly 9-4-1-75)	Improper turn at intersection	4
9-21-8-22 (formerly 9-4-1-76)	U-turn on curve or crest of grade, visibility less than 750 feet	4
9-21-8-23 (formerly 9-4-1-77)	Unsafe start from parked position	4
9-21-8-24	Failure to signal when required, improper signal	2
9-21-8-25		
9-21-8-26		
9-21-8-27		
9-21-8-28 (formerly 9-4-1-78, 9-4-1-79, 9-4-1-80)		
9-21-8-37 (formerly 9-4-1-89)	Driver fails to exercise due care to avoid pedestrian	6
9-21-8-39 (formerly 9-4-1-106)	Disregarding signal indicating approach of train	6
9-21-8-40 9-21-12-5 (formerly 9-4-1-108, 9-4-1-109)	Failure of commercial vehicle or other special vehicle to stop at railroad crossing	8 + MS
9-21-8-41 (formerly 9-4-1-33)	Disregarding official traffic control device	4 6
9-21-8-50 (formerly 9-4-1-73(b))	Reckless driving while operating a tractor-trailer combination	6 8
9-21-8-51 (formerly 9-4-1-56.2)	Failure to dim bright or blinding lights	4
9-21-8-52(a) (formerly 9-4-1-56.1)	Reckless driving	6
9-21-8-52(b) (formerly 9-4-1-56.1)	Reckless driving with damage to property or personal injury	8 + MS
9-21-9-4 9-19-16-4 (formerly 9-8-10-4)	No flashing amber or red light on slow moving vehicle when other lights not required (this is in addition to slow moving emblem)	2

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9-21-10-1 (formerly 9-8-9-2(a))	Motorcycle passenger violation	4
9-21-10-3 (formerly 9-8-9-2(c))	Carrying package or parcel on motorcycle (both hands not on handlebars)	4
9-21-10-5 (formerly 9-8-9-2(e))	Operating motorcycle without headlamp illuminated	2
9-21-10-6 (formerly 9-8-9-2(f))	Operating motorcycles three or more abreast in single lane	4
9-21-10-6 (formerly 9-8-9-2(f))	Depriving motor vehicle (including motorcycle) of full lane usage	4
9-21-12-1 (formerly 9-4-1-123)	Passing of school bus while loading or unloading	6 8
9-21-12-1 (formerly 9-4-1-123)	Passing of school bus when arm signal is out	6 8
9-21-16-7	Failure to park properly at right hand curb or in violation of parking restrictions posted by official signs (highway only)	2
9-21-16-8 (formerly 9-4-1-115)		
9-24-1-6 (formerly 9-1-4-26)	Operating without valid commercial license	8
9-24-6-15	Operating a commercial motor vehicle with a BAC above .04	8
9-24-6-16	Operating a commercial motor vehicle while disqualified	8
9-24-7-2 (formerly 9-1-4-33(b))	Driver education permit violation	4 + AH
9-24-7-3 (formerly 9-1-4-33(c))	Learner permit violation	4 + AH
9-24-8-2 (formerly 9-1-4-33.1)	Temporary motorcycle learner permit violation	4 + AH
9-24-8-3 (formerly 9-1-4-33.2)	Motorcycle learner permit violation	4 + AH
9-24-8-4 (formerly 9-1-4-33.3)	Improper motorcycle license endorsement	6
9-24-11-3	Probationary license violation (under 18 years of age)	4
9-24-11-7	Violation of driver license restriction or mechanical control device requirement	4
9-24-11-8(b) (formerly 9-1-4-37)		
9-24-18-1 (formerly 9-1-4-26.5)	Operating without ever having a valid license	4 6 + AH
9-24-18-2 (formerly 9-1-4-47)	Misuse of license; use of false information; unauthentic license	8 + AH
9-24-18-3 (formerly 9-1-4-49)	Permitting unlicensed person to operate a motor vehicle	4 + AH
9-24-18-4 (formerly 9-1-4-51 9-1-4-49 [sic., 9-1-4-51])	Permitting unlawful use of a motor vehicle	4
9-24-18-5 (formerly 9-1-4-52)	Driving while license is suspended or revoked	8 + MS
9-24-18-8 (formerly 9-1-7-2)	Unlawful use of license to obtain alcohol	8 + MS
9-25-1-1 et seq. 9-25-4-1 9-25-8-5	Suspension of license and registration for violation of financial responsibility requirements	8 2 + MS

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9-26-1-1	Leaving the scene of accident; failure to give information; failure of other duties (personal injury, death, or property damage more than \$200 \$750 total)	8 + MS
9-26-1-2		
9-26-1-3		
9-26-1-4		
(formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44)		
9-26-1-2	Leaving the scene of accident; failure to give information; failure of other duties (property damage only, less than \$200 \$750 total)	8
9-26-1-3		
9-26-1-4		
(formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44)		
9-30-4-8	Operating a vehicle with suspended registration; violation of conditions of a restricted license	8 + AH
(formerly 9-2-1-30)		
9-30-5-1	Operating with BAC above .10 or with controlled substance in bloodstream (Per Se)	8 + MS
(formerly 9-11-2-1)		
9-30-5-2	Operating while intoxicated (OWI)	8 + MS
(formerly 9-11-2-2 9-11-2-4 [<i>sic.</i> , 9-11-2-2])		
9-30-5-3	OWI with Per Se or OWI conviction in past 5 years	8 + MS
(formerly 9-11-2-3)		
9-30-5-4	Per Se or OWI resulting in injury	8 + MS
(formerly 9-11-2-4)		
9-30-5-5	Per Se or OWI resulting in death	8 + MS
(formerly 9-11-2-5)		
9-30-5-6	Violation of probationary license (HTV)	4 8 + MS
9-30-5-13 (formerly 9-11-2-6)		
9-30-5-7	Interlock device violation	4 8
(formerly 9-11-2-7)		
9-30-5-8	Tampering with interlock device	4 8
(formerly 9-11-2-8)		
9-30-5-8.5	Operating with at least BAC .02%, but less than BAC .10% (under 21 years of age)	6
9-30-10-16	Operating a vehicle while suspended as a habitual traffic violator	8 + MS
9-30-10-17		
(formerly 9-12-3-1)		
9-30-13-1	Criminal recklessness with vehicle	8 + MS
35-42-2-2 (9-30-13-1 was formerly 9-4-1-54.5)		
9-30-13-2	Obstruction of traffic causing injury or death	8 + MS
35-42-2-4 (9-30-13-2 was formerly 9-4-1-54.5)		
9-30-13-3	Criminal mischief with vehicle	8 + MS
35-43-1-2 (9-30-13-3 was formerly 9-4-1-54.5)		
9-30-13-4	Involuntary manslaughter with a vehicle	8 + MS
35-42-1-4 (9-30-13-4 was formerly 9-4-1-54.5)		
9-30-13-4	Reckless homicide with a vehicle	8 + MS
35-42-1-5 (9-30-13-4 was formerly 9-4-1-54.5)		

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9-30-15-3	Open container violation	4 6
9-30-15-4		
13-7-13-4	Unlawful transportation of hazardous waste	4 + MS
<i>[IC 13-7-13-4 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996]</i>		
14-15-8-8	Operating a personal watercraft or	8 + MS
14-15-8-13	motorboat while intoxicated	
14-15-12-5		
14-15-8-9	Operation of motorboat after being ordered not to operate	8
14-15-8-10		
14-15-12-5	Dangerous operation of a personal watercraft or motorboat	8
14-15-12-10	Unsafe operation of personal watercraft	8
20-9.1-5-10	Speeding in school bus:	
	Speed not indicated	6
	1-15 MPH in excess of limit	6
	Over 15 MPH in excess of limit	8
20-9.1-5-11	Failure of school bus to stop at railroad crossing	8 + MS
20-9.1-5-12	Stopping school bus to load or unload on left of 1-way thoroughfare	4
20-9.1-5-14	Improper use or failure of school bus to display stop arm signal	4
20-9.1-5-15	Improper use or failure of school bus to use directional signals	4
20-9.1-5-16	Improper use or failure of school bus to use red flashing warning lights	4
35-44-3-3(b)	Resisting law enforcement in vehicle	8 + MS

¹The court has the authority to suspend **an individual's driver** license on any traffic violation.

²Abbreviations have the following meaning:

“AH” means automatic hearing.

“MS” means mandatory suspension for a period of time up to one (1) year or as provided by statute **or court order**.

(Bureau of Motor Vehicles; 140 IAC 1-4.5-10; filed Sep 5, 1995, 12:00 p.m.: 19 IR 8; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 903)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 1-5-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-5-3 Financial responsibility requirement; intentional falsification of required information; hearing procedures

Authority: IC 9-14-2-2

Affected: IC 9-25; IC 9-30-4-10; IC 9-30-4-11

Sec. 3. (a) The bureau of motor vehicles, within the discretion of the commissioner, shall attempt to verify on a random basis the affirmations of financial responsibility.

(b) Upon a possible showing of falsification of any of the information required to meet the financial responsibility requirement, the commissioner or his designated representative will upon proper notice conduct an administrative hearing upon the falsification charge. If there is a showing at this hearing of sufficient evidence of falsification, the commissioner shall invoke the administrative penalty outlined in ~~140 IAC 1-5-2(c)~~ **section 2(c) of this rule.**

(c) Hearing procedures **are as follows:**

(1) Notice of administrative hearing shall be sent first class

mail to the address utilized by the registrant on the application of registration.

(2) Failure to appear at the administrative hearing shall result in the suspension of the driver's license and registration plates of the individual cited for the administrative hearing. This suspension shall remain in effect until the individual has appeared at a rescheduled hearing and the charges against that individual have been disposed of.

(3) The administrative hearing will be conducted in an informal manner with ~~no~~ a record of the proceedings being maintained.

(4) The commissioner or his designated representative shall upon the evidence presented issue specific findings and order which findings should specifically outline the probative evidence presented and upon which the order is based.

(5) All subpoenas and continuances associated with this administrative hearing shall be in accordance with 140 IAC 1-1-4 *[140 IAC 1-1-4 was repealed filed Nov 26, 1996, 4:35 p.m.: 20 IR 938]* and 140 IAC 1-1-5. **respectively.**

(d) All appeals ~~of the commissioner's action~~ shall be conducted under IC 9-30-4-10 and IC 9-30-4-11.

(e) If the evidence so warrants, the commissioner may certify

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his findings related to falsification of the financial responsibility statement to the prosecuting attorney of the falsifying registrant's county of residence for appropriate criminal prosecution within that prosecuting attorney's discretion. (*Bureau of Motor Vehicles; 140 IAC 1-5-3; filed Dec 3, 1982, 2:13 p.m.: 6 IR 71; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 909*)

SECTION 9. UNDER IC 4-22-2.5-3, 140 IAC 1-8-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-8-1 Minimum standards

Authority: IC 9-14-2-2

Affected: IC 9-30-5-8; IC 9-30-8

Sec. 1. Each court in the state of Indiana which that has authority to order the installation of ignition interlock devices shall order the installation of devices that meet the following minimum standards and specifications:

- (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 a civil and/or criminal penalty.

(*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*)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-77(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 2-4-3

140 IAC 2-4-4

140 IAC 2-4-9

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 2-4-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 2-4-3 Submission of list of applicants; extension; expenses

Authority: IC 9-14-2-2

Affected: IC 9-18-25-5

Sec. 3. (a) Subsequent to petition approval by the bureau of motor vehicles, but no later than July 31 of the calendar year immediately preceding the calendar year the special recognition license plates are to be issued, the organization must submit to the bureau of motor vehicles 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.

(b) The list submitted to the bureau of motor vehicles must contain no less than five hundred (500) applicants.

(c) Submission of a list containing one (1) or more names of individuals who have not actually applied for the plate will be grounds for rejection of the proposed special group recognition plate.

(d) In the event the organization's petition is approved but the organization cannot provide the bureau of motor vehicles with the list of applicants in the numbers required by the due date, the organization may request in writing, no later than thirty (30) days subsequent to the due date, a one (1) time one (1) year extension to obtain a sufficient number of applicants desiring to purchase the proposed special group recognition plate.

(e) If the organization fails to request an extension, or is still unable to submit a list with a sufficient number of applicants at the conclusion of the one (1) year extension, the petition originally filed by the organization will no longer be valid.

(f) In the event the organization's petition is approved by the bureau, the organization will be required to reimburse the bureau for expenses incurred due to the production of extraordinary special group plate design and plate display costs. (*Bureau of Motor Vehicles; 140 IAC 2-4-3; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674; readopted filed Oct 17, 2001, 3:52 p.m.: 25 IR 910*)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 2-4-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 2-4-4 Posting surety bond

Authority: IC 9-14-2-2

Affected: IC 9-18-25

Sec. 4. (a) Simultaneously with the submission of the list of applicants required under section 3 of this rule, 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 amount of ~~five~~ six thousand

dollars ~~(\$5,000)~~ **(\$6,000)** and may not be cancelled without ten (10) days' prior notice to the bureau of motor vehicles.

(c) In the event the new special group recognition license plate is issued and less than five hundred (500) such plates are sold in the first ~~plate cycle 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:

$$(500 - \text{number of plates sold}) \times \text{\$10} \text{ \textbf{\$12}}$$

The ~~current plate cycle expires December 31, 1996. The next plate cycle begins January 1, 1997, and is three (3) years in duration.~~

(d) Once five hundred (500) of the new special group recognition plates ~~have been~~ **are sold, in the first year in which the plate is available**, the bond will be returned to the organization.

(e) If over five hundred (500) plates are sold in the first ~~plate cycle, year in which the plate is available~~, submission of a bond will not be required for subsequent ~~plate cycles, years.~~ (*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*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 2-4-9 IS READOPTED AND 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 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.

(b) The failure of an organization to meet the requirements of **IC 9-18-25-15** or this rule may be considered by the bureau of motor vehicles when **considering reviewing** 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. ~~The next plate cycle begins January 1, 1997, and is three (3) calendar years in duration.~~ (*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*)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-79(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 3-3-6

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 3-3-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3-3-6 Record keeping requirements for salvaging businesses

Authority: IC 9-14-2-2; IC 9-22-1
Affected: IC 9-22-4

Sec. 6. **RECORDKEEPING REQUIREMENTS FOR DISPOSAL FACILITIES AND AUTOMOTIVE SALVAGE REBUILDERS:** The commissioner shall prescribe the format and the forms ~~which that~~ must be used by each business licensed to carry on the business activities as outlined in IC 9-22-4. Each business shall record the purchase and sale of salvage motor vehicles and the purchase and sale of major component parts purchased or sold in the normal course of business operations. Two **(2)** main registers must be maintained by the disposal facilities and automotive salvage rebuilders **as follows:**

(1) ~~Vehicle Register~~ A vehicle register shall be maintained and ~~record~~ the following information **recorded** on all salvage motor vehicles purchased and sold:

(A) The date of purchase and sale of each salvage motor vehicle.

(B) The vehicle description and identification: model year, model type, make, and V.I.N.

(C) The stock number.

(D) The title number or other ownership document and the issuing authority.

(E) The name and address of the business or person from whom the salvage motor vehicle was acquired, and the name and address of the person or business to whom the salvage motor vehicle was sold or otherwise disposed of.

(F) The invoice number, if applicable, evidencing the purchase or acquisition of the salvage motor vehicle. ~~and~~

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(G) The invoice number, if applicable, evidencing the sale or disposed of the salvage motor vehicle. ~~and~~

(H) Such other information as the commissioner may require.

(2) ~~Major Component Parts Register~~ A major component parts register shall be maintained and ~~record~~ the following information **recorded** on all major component parts purchased and sold:

(A) **The following** for major component parts removed from acquired vehicles:

(i) The vehicle description and ~~identification~~, **identification**, including the V.I.N., serial number, stock number, or other reference number.

(ii) The description and identification of the source vehicle of the major component part as contained in the vehicle register.

(iii) The name and address of the person or business to whom the major component part was sold.

(iv) The date and invoice number, if applicable, evidencing the sale of the major component part. ~~and~~

(v) Such other information as the commissioner may require.

(B) For major component parts acquired from other than a salvage motor vehicle owned by the disposal facility or automotive salvage rebuilder, the major component parts register shall contain, in addition to those listed above in ~~B-1~~, **clause (A)**, the following information:

(i) The name and address of the person or business from whom the major component part was acquired. ~~and~~

(ii) The date and invoice number, if applicable, evidencing the purchase or acquisition of the major component part.

(Bureau of Motor Vehicles; 140 IAC 3-3-6; filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Oct 17, 2001, 4:20 p.m.: 25 IR 911)

LSA Document #01-79(F)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-81(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 3.5-2-4

140 IAC 3.5-2-9

140 IAC 3.5-2-11

140 IAC 3.5-2-13

140 IAC 3.5-2-15

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-4 Dealer license requirements

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23-2-10

Sec. 4. Under IC 9-23, dealers designated dealer-new, dealer-used, motorcycle dealer-new, and motorcycle dealer-used shall meet the following requirements:

(1) A dealer must have a license issued by the commissioner in order to receive dealer plates.

(2) ~~An~~ application for a **new** dealer license and dealer plates may be ~~made after submitted any time prior to~~ December 15 ~~or two (2) months prior to the expiration month of each year for the following current license year. A dealer license renewal application may be submitted thirty (30) days prior to the license expiration date.~~

(3) An applicant who applies for a license after December 15 ~~but before the end of the last day of the expiration month of the license year~~ shall be eligible to be licensed for the following year.

(4) Only one (1) dealer can be licensed from the same address or established place of business.

(5) In addition to the requirements outlined in IC 9-23, a dealer must meet the following minimum requirements:

(A) The dealer must provide a federal identification number and a retail merchant's certificate number.

(B) The dealer must, for the entire licensing period, have an established place of business with an Indiana address other than an Indiana post office box address. Dealer licenses and dealer plates shall be mailed to the business address only. The established place of business may not house a secondary business unless that business is closely related to the sale of motor vehicles and this secondary business does not provide in excess of fifty percent (50%) of the dealer's gross income. Multiple business locations such as strip office malls, garages, or residential properties shall be accepted if:

(i) a separate entrance is maintained;

(ii) a separate address is maintained, **and the business location is not a part of or attached to a residential dwelling;**

(iii) local zoning requirements are met;

~~(iii)~~ **(iv)** a distinct impression of separate businesses is given to the general public; and

~~(iv)~~ **(v)** all other location and office requirements are met.

(C) The dealer's established place of business shall:

(i) be accessible to the public;

(ii) have at least a space of one thousand three hundred (1,300) square feet and be able to accommodate the

display of a minimum of ten (10) vehicles of the kind and type which the dealer is licensed to sell and space for customer parking;

- (iii) meet all local zoning requirements;
- (iv) be well lit during hours of operation; and
- (v) have display and customer parking areas adequately surfaced with asphalt, concrete, rock, or substance which will not change with weather conditions.

(D) The dealer's office shall be:

- (i) housed at the dealer's established place of business;
- (ii) at least one hundred (100) square feet in size;
- (iii) equipped with office furniture such as a desk, chairs, and filing cabinets; and
- (iv) served with utilities such as electricity, lighting, heat, and a business telephone.

(E) The dealer must provide garage liability insurance for the established place of business under IC 9-23-2-10.

(F) The dealer must provide photographs of the established place of business with the initial application for dealer license. These photographs must include, but are not limited to, the major:

- (i) sales and storage lot;
- (ii) exterior advertising sign; and
- (iii) display and office building.

The photographs must not be less than three (3) inches by five (5) inches in size. The photographs will be required to be updated if the dealership is moved or if its physical facilities are substantially altered or modified.

(G) The dealer must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(H) The dealer must provide, with the initial licensing application, evidence of a franchise or contract agreement, if applicable, showing a sales arrangement with a manufacturer, converter manufacturer, or distributor.

(I) The dealer must maintain, at the established place of business, a conspicuous, permanent sign identifying the dealer by the name in which the dealer is licensed and the dealership's hours of operation.

(J) The dealer's established place of business must be accessible to the public for a minimum of thirty (30) hours each week during normal business hours. For the purpose of this rule, "accessible" means the place of business must be:

- (i) manned at least thirty (30) hours each week;
- (ii) manned at least twenty (20) hours each week and a telephone answering, paging, or mobile service offered during the remaining ten (10) hours each week, the number for which is identified on the business sign; or
- (iii) opened by appointment at least thirty (30) hours each week by maintaining a manned telephone or mobile telephone service for a minimum of ten (10) hours each week and a telephone answering, paging, or mobile service offered during remaining twenty (20) hours each week, the number for which is identified on the business sign.

(Bureau of Motor Vehicles; 140 IAC 3.5-2-4; filed Jan 5, 1994, 5:00 p.m.: 17 IR 973; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 912)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-9 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-9 Transfer dealer license requirements

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18; IC 9-23-2-10

Sec. 9. (a) Transfer dealers must be properly licensed by the commissioner in order to receive transfer dealer plates.

(b) **An application for a new transfer dealer license and transfer dealer plates may be made after submitted any time prior to December 15 or two (2) months prior to May † of each year for the following current license year. A transfer dealer license renewal application may be submitted thirty (30) days prior to the license expiration date.**

(c) An applicant who applies for a license under this section after December 15 ~~but before May † of the license year~~ shall be eligible to be licensed for the following year.

(d) A transfer dealer ~~at a minimum~~, shall do the following:

(1) Furnish a federal identification number and a retail merchant's certificate number.

(2) Have a place of business which is devoted to the conduct of a business related to the sale of motor vehicles. The place of business must be a permanent, enclosed building or structure. The place of business shall not include a residence, tent, temporary stand, or permanent quarters temporarily occupied. Parking or storage of a minimum of ten (10) motor vehicles must be provided.

(3) Furnish photographs of the place of business with the initial application for a transfer dealer license. These photographs must include, but are not limited to, the major sales, storage, and office space utilized by the transfer dealer. The photographs must be not less than three (3) inches by five (5) inches in size. The photographs must be updated if the dealership is moved or if its physical facilities are substantially altered or modified.

(4) The transfer dealer must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(5) Furnish proof of coverage by garage liability insurance under IC 9-23-2-10 if the dealer has an established place of business. The transfer dealer must be covered by business liability insurance if the dealer has a place of business.

(6) Provide a statement delineating the type and extent of the dealer's business.

(e) Unless conflicting with the provisions of this section, all rules that the commissioner finds applicable governing dealers shall apply to transfer dealers. *(Bureau of Motor Vehicles; 140*

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IAC 3.5-2-9; filed Jan 5, 1994, 5:00 p.m.: 17 IR 976; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 913)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-11 Wholesale dealer, auctioneer, and broker licenses

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23

Sec. 11. (a) Wholesale dealers, automobile auctioneers, and brokers must be properly licensed by the commissioner in order to receive dealer plates.

(b) ~~An application for a new wholesale dealer license and dealer plates may be made after submitted any time prior to December 15 or two (2) months prior to May 1 of each year for the following current license year. A wholesale dealer, automobile auctioneer, or broker license renewal application may be submitted thirty (30) days prior to the license expiration date.~~

(c) Any applicant who applies for a license after December 15 ~~but before May 1 of the license year~~ is eligible to be licensed for the following year.

(d) The following are minimum requirements for licensing wholesale dealers, automobile auctioneers, and brokers:

(1) An applicant must furnish a federal identification number and a retail merchant's certificate number.

(2) An applicant must be covered by business liability insurance in an amount determined by the commissioner.

(3) An applicant must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(4) Each applicant must submit to an investigation by the bureau of motor vehicles within one hundred twenty (120) days following the issuance of the wholesale dealer license. Business records must be presented to verify the number of monthly sales. Each applicant will be contacted at the address given on the license application. If the applicant is not available when the investigator calls, it will be the responsibility of the dealer to contact the bureau of motor vehicles to arrange for a subsequent visit. Dealer plates will not be renewed under this section until an investigation has been conducted.

(5) The wholesale dealer must provide a permanent Indiana address at which the dealer may be contacted by the bureau of motor vehicles.

(6) A wholesale dealer must sell a minimum of one hundred twenty (120) vehicles per year.

(7) Unless conflicting with the provisions of this section, all rules that the commissioner finds applicable governing dealers shall apply to wholesale dealers, automobile auctioneers, and brokers.

(8) A wholesale dealer, except a dealer licensed as an automobile auctioneer, may not sell vehicles to the general public.

(Bureau of Motor Vehicles; 140 IAC 3.5-2-11; filed Jan 5, 1994, 5:00 p.m.: 17 IR 976; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 914)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-13 Number of vehicles sold by dealer or transfer dealer

Authority: IC 9-14-2-2

Affected: IC 9-18-26; IC 9-23

Sec. 13. (a) Dealers and transfer dealers, with the exception of wholesale dealers, financial institutions, and insurance companies, must sell a minimum of twelve (12) vehicles ~~per year~~: **within a twelve (12) month period.** For the purpose of determining the number of units sold or anticipated to be sold by a dealer, the licensing year shall be used. ~~A dealer or transfer dealer licensed after the dealer plate category's expiration date of any year shall be given a credit of one (1) vehicle per month for each whole month that has expired.~~

(b) A wholesale dealer is subject to the requirement of selling one hundred twenty (120) vehicles ~~per year~~: ~~A wholesale dealer licensed after April 30 of any year shall be given a credit of ten (10) vehicles per month for each whole month that has expired.~~ **within a twelve (12) month period. For the purpose of determining the number of units sold or anticipated to be sold by a wholesale dealer, the licensing year shall be used.** *(Bureau of Motor Vehicles; 140 IAC 3.5-2-13; filed Jan 5, 1994, 5:00 p.m.: 17 IR 977; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 914)*

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-15 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-15 Interim plates; restrictions on use

Authority: IC 9-14-2-2

Affected: IC 9-18-26-10; IC 9-23

Sec. 15. (a) Requirements for the use of interim plates shall be as follows:

(1) Under IC 9-18-26-10, interim plates may be utilized only by the operator of a motor vehicle for a period not to exceed thirty-one (31) days after the date of delivery or until regular registration plates are obtained, whichever occurs first.

(2) Only one (1) interim plate may be issued by a dealer to the purchaser of a motor vehicle. No additional interim plates may be issued for the motor vehicle for any reason.

(3) Interim plates may not be utilized on a vehicle owned or in inventory of a licensed dealer.

(4) Interim plates may not be utilized on vehicles sold on consignment by a dealer.

(5) Interim plates assigned by the bureau of motor vehicles to

any dealer may be given or sold to another registered dealer **in good standing with the bureau of motor vehicles** so long as the transfer, by interim plate control number, is recorded in ~~the~~ **each** dealer's interim plate log.

(6) A registered dealer obtaining interim plates from another dealer must record those plates in the dealer's interim plate log by interim plate control number and name of transferring dealer.

(7) The dealer must provide an ownership document to the purchaser at the time of issuance of the interim plate.

(8) Interim plates may not be utilized on vehicles sold to dealers at automobile auctions unless the dealer is an out-of-state dealer without metal dealer plates from the dealer's state or is an Indiana license only dealer without metal dealer plates.

(b) Requirements for the interim plate log shall be as follows:

(1) All dealers utilizing interim plates must maintain a log recording the issuance of each plate.

(2) The interim plate log shall include, but is not limited to, the following:

(A) An interim plate control number by control number sequence.

(B) The name and address of the party to whom the interim plate was issued.

(C) The make, model, and year of the vehicle to which the plate is to be affixed.

(D) The manufacturer's vehicle identification number.

(E) The date of issuance of the interim plate.

(3) All interim plates not issued by the dealer must be retained in the dealer's possession at all times.

(4) The interim plate log shall be maintained continuously for a period of three (3) years.

(c) Penalties shall be as follows:

(1) Any misuse of an interim plate may result in the limiting of the dealer's interim plate usage or suspension of the dealer's license.

(2) The dealer is subject to all criminal penalties provided by statute.

(Bureau of Motor Vehicles; 140 IAC 3.5-2-15; filed Jan 5, 1994, 5:00 p.m.: 17 IR 978; readopted filed Oct 17, 2001, 4:50 p.m.: 25 IR 914)

LSA Document #01-81(F)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-83(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 4-1-4

140 IAC 4-1-13

140 IAC 4-1-5

140 IAC 4-3-1

140 IAC 4-1-11

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 4-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-4 Location of school

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 4. ~~Location of Commercial Driver Training Schools.~~ (†)

(a) A commercial driver training school ~~which~~ **that** is properly licensed shall be allowed to conduct classroom training only in the county where the school is located. The commercial driver training school must conduct all classes and operate out of the address appearing on the application.

(~~2~~) (b) In no instance shall a commercial driver training school operate in any manner from a residential dwelling.

(~~3~~) ~~No commercial driver training school shall be located within three hundred (300) feet of any building or portion thereof used for the purpose of conducting driver license examinations, with the exception of those schools already licensed by the Commissioner. (Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 270; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915)~~

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 4-1-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-5 Office operations; classrooms; advertising

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 5. ~~Commercial Driver Training School Office.~~ (†) All commercial driver training schools shall operate from an office in the following manner:

(~~a~~) (1) The commercial driver training school license shall be placed in a conspicuous location within the office.

(~~b~~) (2) All records pertaining to the operation of the school shall be maintained in the main office of the school and available for inspection in the presence of the owner or, after giving notice thereof, by the commissioner or his authorized agent between the hours of ~~9:00~~ **9** a.m. and ~~5:00~~ **5** p.m. local

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time, Monday through Friday, excluding legal holidays. Refusal of the owner or an employee to grant an inspection of the records shall be grounds for suspension or revocation.

~~(e)~~ **(3)** The telephone located in the school shall be used exclusively for the operation of the commercial driver training school.

~~(d)~~ **(4)** Sufficient indoor space to teach students the theoretical instruction relating to the rules and regulations of the road and safe driving practices shall be included within the office. The classroom shall be enclosed to eliminate any and all extraneous interference from the public. The classroom shall contain chairs and desks or tables in sufficient number to accommodate students, have adequate lighting, and be of sufficient size to comfortably accommodate the students but in no event shall the classroom contain less than two hundred and twenty-five (225) square feet of usable area. Approval of any license application shall be contingent upon approval of the classroom and office space by the commissioner or his authorized agent.

~~(e)~~ **(5)** One **(1)** employee of the school must be available from ~~9:00~~ **9** a.m. to ~~5:00~~ **5** p.m., Monday through Friday, to give information regarding lessons or produce the school's records in the event the commissioner or his authorized agent wishes to inspect the school. Refusal to grant an inspection will be grounds for suspension or revocation.

~~(f)~~ **(6)** The office shall not be operated in conjunction with any other business.

~~(g)~~ **(7)** The owner or operator will be permitted to list his **or her** home phone number in his **or her** advertisements provided it specifically states that the number may be called after ~~6:00~~ **6** p.m.

~~(h)~~ **(8)** The owner or operator will be permitted to list his **or her** home address and phone number on his **or her** business cards.

~~(i)~~ **(9)** All commercial driver training schools wishing to **provide information electronically or** use a telephone answering service in connection with their business shall do so in the following manner: The **electronic information service or** use of the telephone answering service shall be secondary in the operation of the school. ~~and~~ **The telephone answering service** shall only be used when there is no one in the school's business office to answer the telephone.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule V; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 271; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 4-1-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-11 Vehicle standards

Authority: IC 9-14-2-2; IC 9-27-4
Affected: IC 9-25; IC 9-27-4

Sec. 11. ~~Commercial Driver Training School Vehicles.~~ **(+)** **(a)** Every motor vehicle used for commercial driver training shall

have a current Indiana registration plate and be a recent model with not more than ~~three~~ **(3) five (5)** years having elapsed from the date of purchase. **As used in this subsection,** "date of purchase" ~~as used in this subsection shall mean~~ **means** the date of purchase listed upon the certificate of title that was received from the application using the manufacturer's certificate of origin. Every motor vehicle used for commercial driver training shall have the additional equipment as follows:

~~(a)~~ **(1)** One (1) operable extra foot brake.

~~(b)~~ **(2)** One (1) rearview mirror placed on the inside of the motor vehicle.

~~(c)~~ **(3)** Two (2) outside rearview mirrors, one **(1)** on each side of the vehicle.

~~(d)~~ **(4)** Cushions for the proper seating of students when necessary.

~~(e)~~ **(b)** Every training vehicle being operated by a student who has had less than four (4) hours of practical driving instruction must be conspicuously marked as a training vehicle.

~~(f)~~ **(c)** If, after four (4) hours of practical training, a student demonstrates suitable proficiency in operating a motor vehicle, the instructor may give instruction in a private vehicle if the student provides proof of insurance coverage:

(1) in at least the amount of ~~ten~~ **twenty-five** thousand ~~(\$10,000)~~ dollars **(\$25,000)** because of bodily injury to or death of any one (1) person, and subject to said limit respecting one (1) person;

(2) in the amount of ~~twenty~~ **fifty** thousand ~~(\$20,000)~~ dollars **(\$50,000)** because of bodily injury to or death of two (2) or more persons in any one (1) accident; and

(3) in the amount of ~~five~~ **ten** thousand ~~(\$5,000)~~ dollars **(\$10,000)** because of injury to or destruction of property in any one **(1)** accident.

~~This section does not apply to students who possess valid licenses with the exception that said students must furnish proof of insurance coverage as set out in this subsection.~~

~~(g)~~ **(d)** The school vehicle identification certificate issued by the commissioner shall be carried in the vehicle at all times while driving instructions are being given. *(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916)*

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 4-1-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-13 Instructor's license; qualifications

Authority: IC 9-14-2-2; IC 9-27-4
Affected: IC 9-24; IC 9-27-4

Sec. 13. ~~Commercial Driver Training Instructor License.~~ **(+)** **(a)** No person, on or after July 1, 1968, shall give commercial driver training instruction for compensation or act as a commercial driver training instructor unless he holds a valid, current

commercial driver training instructor license issued by the commissioner of the Indiana bureau of motor vehicles and unless he is employed by a licensed driver training school. This section does not apply to any full-time teachers in an accredited high school, college, or university who has among his duties the teaching of driver's education except when employed as an instructor in a commercial driver training school as set forth in the Act and in these rules and regulations.

(2) (b) Requirements for applications and applicants are as follows:

- (a) (1) All applications for an instructor's license must be accompanied by a certified check or United States postal money order in the amount of ten (\$10) dollars and a notarized statement from the owner of a commercial driver training school listing ~~said the~~ applicant's name in full, ~~his the applicant's~~ address, and ~~stating a statement that said the~~ applicant will be employed by the school. This rule applies to original and renewal applications.
- (b) (2) All applicants shall be citizens of the United States of America.
- (c) (3) Every commercial driver training instructor shall be at least twenty-one (21) years of age and a person of high moral character.
- (d) (4) Every person shall hold a valid ~~Public Passenger Chauffeur's driver license or any license permitting the individual to transport human beings for any valuable consideration~~, before making application for a commercial driver training instructor license.
- (e) (5) Each application shall be accompanied by a statement from a physician certifying mental ability, visual acuity, and that the applicant does not have any contactual diseases, hearing ailments, epilepsy, or other malady causing loss of consciousness.
- (f) (6) The visual acuity of an instructor shall not be less than 20/40 in either eye with or without eye glasses or other means of visual correction.
- (g) (7) An instructor giving practical training shall not be absent one functional eye, hand, foot, or leg.
- (h) (8) All instructors must successfully complete (1) a special written test, (2) a vision test, and (3) a road test, prepared and administered under the authorization of the commissioner, embracing subject matter pertinent to highway design, road signs, and the care, operation, and laws affecting the operation and traffic of motor vehicles. The contents of the written examination shall be taken from the following materials:
 - (A) The Indiana driver manual.
 - (B) Indiana motor vehicle laws.
 - (C) Indiana rules and regulations governing commercial driver training schools and instructors.
 - (D) Other sources dealing with driver education.

(3) (c) Requirements for the instructor license are as follows:

- (1) The instructor license shall be valid for a period of one (1) fiscal year beginning July 1 and ending June 30. The license shall be valid only for the fiscal year for which it is issued, and there shall be no reduction in fee in the event of application after the beginning of the fiscal year. All licenses shall expire at midnight June 30 of each fiscal year.
- (2) Where an application is made for the renewal of a commercial driver training instructor license, the applicant may continue to give instruction in the commercial driver training school until the renewal application is granted or denied by the commissioner, provided the renewal application is properly filed with the commissioner on or before June 15 of the current license year.
- (3) The instructor wishing to renew his **or her** license shall submit himself **or herself** for a complete reexamination every other year.
- (4) Examinations shall be given at such time and place as the commissioner shall determine.
- (5) The commissioner, at his discretion, may order a complete or partial reexamination of any licensed instructor at any time.
- (6) An instructor shall have in his **or her** possession an identification card issued by the commissioner and containing information prescribed by the commissioner while acting in behalf of the school he **or she** is licensed to represent.
- (7) The instructor's license certificate shall be maintained in file by the commercial driver training school so long as the instructor shall remain in the employ of said school.
- (8) More than one (1) chargeable accident during any consecutive three (3) year period can make an instructor's license subject to review by the commissioner or his authorized agent.
- (9) Any violation resulting in suspension or revocation of driving privilege shall cause the revocation of the instructor's license.
- (10) Every commercial driver training instructor who is not licensed to operate a motor vehicle by the Indiana bureau of motor vehicles shall cause to be sent to the commissioner a certified copy of his **or her** driving record from the jurisdiction from which his **or her** license is issued. This certified record shall be filed with the commissioner before the original application will be approved and shall be filed upon each and every subsequent renewal.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 274; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 4-3-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-3-1 Vision test chart (state form 27738)

Authority: IC 9-14-2-2; IC 9-27-4
 Affected: IC 9-24; IC 9-27-4

Sec. 1. The bureau of motor vehicles shall use the Indiana

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driver's vision test chart (state form 27738), which form is incorporated by reference, to determine the vision capabilities of an individual being tested and the guidelines to be followed for issuing vision license restrictions. The incorporation does not include any later amendments or editions. A person may obtain a copy of the incorporated vision chart by contacting:

Bureau of Motor Vehicles
Driver Examiner Division
~~401 State Office Building~~
Indiana Government Center-North
100 North Senate Avenue, Room 403
Indianapolis, IN Indiana 46204

(Bureau of Motor Vehicles; 140 IAC 4-3-1; filed Nov 9, 1983, 3:42 p.m.: 7 IR 35; errata, 7 IR 2546; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 917)

LSA Document #01-83(F)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-85(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 5-1-2

140 IAC 5-1-3

140 IAC 5-1-4

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 5-1-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-2 Abandoned vehicles storage and towing charges

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 2. (a) The commissioner agrees to reimburse storage facility and towing service operators for services provided for abandoned vehicles reported to the bureau of motor vehicles and sold by the state in accordance with the provisions of the law. The commissioner in no event shall pay for towing and storage charges which exceed the limits as contained in this rule or the sale price of the vehicles, whichever is less.

(b) Charges for providing towing service for abandoned vehicles shall be the reasonable value of the service rendered according to the usual and customary charges in the community. The ~~maximum~~ amount the commissioner shall pay for normal towing service for any type vehicle **less than eight thousand six hundred (8,600) pounds gross vehicle weight shall be ~~thirty-five not exceed fifty~~ dollars (\$35): (\$50).**

(c) **The amount the commissioner shall pay for normal towing service for any type vehicle greater than eight thousand six hundred (8,600) pounds gross vehicle weight and less than fifteen thousand (15,000) pounds gross vehicle weight shall not exceed one hundred fifty dollars (\$150).**

(d) **The amount the commissioner shall pay for normal towing service for any type vehicle greater than fifteen thousand (15,000) pounds gross vehicle weight shall not exceed five hundred dollars (\$500).**

(e) The commissioner, at his discretion, may pay ~~claims a claim~~ for an amount in excess of ~~thirty-five dollars (\$35) the amounts enumerated under subsections (b) through (d),~~ provided the claim is presented in writing outlining the unusual circumstances and services provided.

(~~e~~) (**f**) Storage charges paid by the commissioner for any type vehicle ~~may shall~~ not exceed the rate of ~~four ten~~ dollars and ~~twenty-six cents (\$4.26) (\$10)~~ per day, which may be accumulated over a period of ~~twenty-seven (27) thirty (30) days to for~~ a maximum storage charge of ~~one three~~ hundred ~~fifteen~~ dollars (~~\$115): (\$300)~~. The number of days shall be calculated from the day the vehicle was towed to the storage facility or released from a police hold.

(~~d~~) (**g**) Claims for towing service will have first priority for reimbursement out of the proceeds of the vehicle sale. *(Bureau of Motor Vehicles; Abandoned Vehicles Rule II; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 254; filed Apr 28, 1981, 9:35 a.m.: 4 IR 899; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498; readopted filed Oct 17, 2001, 4:48 p.m.: 25 IR 918)*

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 5-1-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-3 Terms of sale

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 3. (a) All sales of abandoned vehicles conducted by the commissioner or his duly authorized representative shall be ~~for cash;~~ **made payable by check**, certified check, or money order. ~~Businesses may present checks for payment of abandoned vehicles provided they have received written approval from the commissioner. Sales of abandoned vehicles sold under any contract shall be paid by the means specified by the commissioner.~~

(b) The bureau specifically reserves the right to withdraw from an abandoned vehicle sale any vehicle which the commissioner or his representative may reasonably believe is not bringing its fair market value. This withdrawal can be made any time prior to ~~the fall of the hammer~~ completing the sale.

(c) Vehicles sold at state auction must be removed from the premises of the auction within twenty-four (24) hours unless prior arrangements with the lot owner have been made. Vehicles not removed within the allotted time ~~will~~ **may** be subject to resale as abandoned vehicles. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule III; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498; readopted filed Oct 17, 2001, 4:48 p.m.: 25 IR 918*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 5-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-4 Report; determination of market value

Authority: IC 9-14-2-2; IC 9-22-1-29
Affected: IC 9-22

Sec. 4. (a) The commissioner shall require the completion of a prescribed abandoned vehicle report (**state form 322**) from a law enforcement officer ~~which that~~ describes the general condition and estimated value of the vehicle in accordance with guidelines determined by the commissioner. Each abandoned vehicle report submitted by law enforcement officers shall also be verified and signed by the towing service or storage facility operator as to the general condition and estimated value of the vehicle.

(b) Any storage facility or towing service operator ~~which that~~ has reason to believe that the **law** enforcement officer responsible for authorizing the vehicle to be placed in a storage facility has not completed and transmitted the abandoned vehicle report to the bureau within fifteen (15) days of receipt of the vehicle ~~shall be required to notify the bureau indicating the year and make of the vehicle, vehicle identification number, and other identifying information as the commissioner may prescribe: may contact the law enforcement agency and request that the abandoned vehicle report be submitted expeditiously.~~

(c) Abandoned vehicle reports for vehicles ~~which that~~ are estimated to be valued at one hundred dollars (\$100) or less shall be accompanied by a photograph furnished either by the law enforcement officer or towing service or storage facility operator.

(d) The following descriptive characteristics will presumptively qualify vehicles to be worth one hundred dollars (\$100) or less and subject to disposition in accordance with the provisions of law:

- (1) Vehicles ten (10) model years or older that have extensive deterioration to the interior or exterior of the ~~such~~ vehicle or are inoperable or are otherwise inoperable because of faulty or missing major parts.
- (2) Vehicles five (5) model years or older ~~which that~~ have

been extensively destroyed by fire, explosion, vandalism, or other causes, excluding traffic accidents, and are inoperable.

(e) An abandoned vehicle subject to fair market value ~~would be:~~ **is:**

- (1) a vehicle ~~which that~~ is in running condition and ~~would have has~~ a value of five hundred dollars (\$500) or more on a normal retail or wholesale lot; or
- (2) a vehicle ~~which; that,~~ because of uniqueness or parts, ~~would have has~~ a value of five hundred dollars (\$500) or more as salvage.

(f) When active bidding ~~is occurring; occurs,~~ the fair market value ~~will be is~~ determined by the highest bid price. An exception to this ~~would be is~~ if, in the opinion of the auctioneer, bidders ~~were are~~ acting in concert to depress the price, or the high bid is grossly inadequate.

(g) When there are no bidders present, the dollar value ~~will be is~~ depreciated by the normal towing and storage charges of the storage lot that ~~would accrue accrues~~ to the date of sale up to the maximum charges allowed by regulation.

(h) All vehicles that do not bring fair market value will be pulled from the sale and auctioned at run again in the next sale at that storage facility ~~which that~~ occurs at least two (2) weeks from the original sale date. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule IV; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 499; readopted filed Oct 17, 2001, 4:48 p.m.: 25 IR 919*)

LSA Document #01-85(F)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-87(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 6-1-7

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 6-1-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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140 IAC 6-1-7 Duplicate titles

Authority: IC 9-14-2-2
Affected: IC 9-17

Sec. 7. **The following** are procedures and requirements for obtaining a duplicate title:

(1) In the event that certificate of title has been lost, mutilated, destroyed, or not received, the owner must apply for a duplicate title.

(2) Application for a duplicate title shall be made on a form designated by the commissioner.

(3) A duplicate title ~~supersedes~~ **supersedes** all previous titles. The duplicate must be utilized in all subsequent assignments of title.

(4) If a duplicate application is to replace a mutilated title, the mutilated title should accompany the application.

(5) A lien may be removed from the title at the time the duplicate title request is processed if the lien release documentation is verified and attached to the duplicate title application.

(Bureau of Motor Vehicles; (9-1-2-1)-6; filed Feb 13, 1978, 10:31 a.m.; Rules and Regs. 1979, p. 136; readopted filed Oct 17, 2001, 4:18 p.m.: 25 IR 920)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-89(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 7-2-5

140 IAC 7-3-10

140 IAC 7-2-6

140 IAC 7-3-11

140 IAC 7-3-5

140 IAC 7-3-13

140 IAC 7-3-9

140 IAC 7-3-17

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 7-2-5 IS READOPTED AND 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 the written test and obtains a learner's permit will not be required to again take the written test at the time of application for a motorcycle license endorsement. The written test will consist of twenty-five (25) questions, twenty-one (21) of which must be answered correctly. ~~The motorcycle written test must be taken and passed at each license renewal period prior to receiving a motorcycle endorsement.~~ *(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)*

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 7-2-6 IS READOPTED AND 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 skills test shall be administered by a person certified to be a motorcycle license 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 skills test to an applicant who completed 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) The test will contain maneuvers with a motorcycle involving stopping, turning, braking, riding through obstacles, and the testing of other areas of riding skills. The applicant must receive less than ~~13~~ **eleven (11)** penalty points to successfully pass the skills test. If the applicant is assessed ~~13~~ **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.

(6) All persons must wear a helmet when taking the skills test.

(7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include information to the effect that ~~(+) the applicant:~~

(A) understands the type of skills test to be given and believes to be qualified to take such test; and ~~(2) the applicant~~

(B) will hold the bureau of motor vehicles, the state, of ~~Indiana~~, the owners of the test site, and the motorcycle examiner harmless for any injury sustained from any accident during the test ~~which that~~ was caused by the applicant taking the test offered under reasonable conditions.

~~(8) Notwithstanding any other provision in this rule, all persons over the age of seventy-five (75) must successfully complete a motorcycle skills test in addition to the written test every three (3) years.~~

(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)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 7-3-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-5 Learner's permit

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 5. (a) Any person who is a resident of ~~the state of~~ Indiana may apply for a commercial driver's license learner's permit. The applicant must:

- (1) be at least eighteen (18) years of age;
- (2) hold a valid Indiana operator's license;
- (3) meet all visual and physical examination requirements; and
- (4) pass all required knowledge tests.

(b) A valid commercial driver's license learner's permit:

- (1) shall not be valid for a period to exceed six (6) months;
- ~~(2) may only be renewed two (2) times in a two (2) year period; and~~

~~(3) (2) will allow the holder, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by the holder of a valid commercial driver's license for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.~~

(Bureau of Motor Vehicles; 140 IAC 7-3-5; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 7-3-9 IS READOPTED AND 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 core knowledge examination which shall contain not more than fifty (50) questions nor less than thirty (30) questions. The applicant must correctly answer eighty percent (80%) of the questions.

(c) If the applicant fails the core knowledge examination, the applicant may take as many additional examinations as desired, but only one (1) examination may be taken in any twenty-four (24) hour period.

(d) If the applicant passes the written test designed for bus drivers, his commercial driver's license will be restricted to "Bus Only". **The test results of a passed core knowledge examination shall be valid for a period of one (1) year from the date of the examination. Core knowledge examination test results over one (1) year old will not be considered.**

(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)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 7-3-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-10 Endorsements knowledge test

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:

- (1) The applicant must pass the applicable knowledge and skills test required for a specific class of license and any endorsements.
- (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** driving privileges suspended or revoked in Indiana or any other state shall be ineligible to apply for a commercial driver's license endorsement during the period of suspension or revocation.

(d) The hazardous materials endorsement knowledge test must be taken upon application for 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 ~~which that~~ is equipped with air brakes.

(f) Any and all commercial driver's license endorsement tests

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passed, as required under this section, shall be valid for a period of one (1) year from the 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*)

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 7-3-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-11 Skills test

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 11. Skills test as adopted by the bureau will be used to determine the applicant's ability to operate a commercial motor vehicle of the appropriate class. Procedures and requirements for the commercial driver's license skills test are as follows:

- (1) The skills test shall be administered by a person certified by the bureau.
- (2) The location of the skills test site shall be determined by the bureau.
- (3) The applicant, in order to pass the skills test, must successfully display an ability to operate the motor vehicle for which the skills test is being given.
- (4) The applicant for each skills test must pay the fee as outlined in section 15 of this rule.
- (5) The skills test is not required to be taken at the time of renewal of a commercial driver's license unless the person desires to change to a higher classification of commercial driver's license, or to remove an air brake, or bus only restriction.
- (6) Every applicant, prior to taking the skills test, will be required to have successfully passed the core knowledge test.
- (7) Every applicant, prior to taking the 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 skills test to be given and believes to be qualified to take this test.
 - (B) The applicant will hold the bureau and the state of ~~Indiana~~ harmless for any injury sustained from any accident during the test ~~which that~~ was caused by the applicant.
- (8) An applicant shall pay the fee for the skills test to the commercial driving school.
- (9) Any person who fails the initial skills test shall not be eligible to take a second test within twenty-four (24) hours.
- (10) The results of a passed skills test shall be valid for a period of one (1) year from the date of the passed skills test. Skills test results over one (1) year old will not be considered.**

(*Bureau of Motor Vehicles; 140 IAC 7-3-11; 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*)

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 7-3-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-13 Certified 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 must meet the following qualifications:

- (1) Be twenty-one (21) years of age or older.
- (2) Possess a valid commercial driver's license, with a **Class A** classification and ~~endorsements~~ **an endorsement** for **all of the skills skill** tests that he **or** she will be certifying.
- (3) Have successfully completed a training course approved by the bureau.

(*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*)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 7-3-17 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-17 Renewal

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 17. (a) The holder of a commercial driver's license may make application to the bureau for renewal of his **or her** commercial driver's license no more than six (6) months prior to the expiration of his **or her** current license if:

- (1) his **or her** current commercial driver's license has not been suspended, disqualified, canceled, revoked, or invalidated; and
- (2) he **or she** has passed all required visual and physical examinations.

(b) Except as outlined in subsections (c) through (d), the core knowledge test, endorsement knowledge test, and skills test will not be required for renewal of a commercial driver's license.

(c) The hazardous materials endorsement knowledge test must be passed every four (4) years.

(d) If the commercial driver's license has been expired, disqualified, canceled, revoked, or invalidated for more than one (1) year, the holder must pass all knowledge and skills exams prior to ~~renewal~~ **issuance**. (*Bureau of Motor Vehicles; 140 IAC 7-3-17; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922*)

LSA Document #01-89(F)

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-118(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Readopts and amends 140 IAC 8-1-3 to require six month employee performance evaluations; 140 IAC 8-2-1 and 140 IAC 8-2-2 to include the procurement of services under the bureau of motor vehicles commission procurement system; 140 IAC 8-2-3 and 140 IAC 8-2-4 to increase the threshold amounts required for compliance under the procurement system for any applicable procurement, including the procurement for services; 140 IAC 8-3-1.1 to increase the service charge and clarify the definition of "low numbered motor vehicle registration plate" to include truck plates and specialty plates; and 140 IAC 8-3-3, 140 IAC 8-3-4, 140 IAC 8-3-5, and 140 IAC 8-3-8 to increase service charges. Amends 140 IAC 8-3-12, 140 IAC 8-3-13, 140 IAC 8-3-14, 140 IAC 8-3-15, 140 IAC 8-3-16, 140 IAC 8-3-17, 140 IAC 8-3-18, 140 IAC 8-3-19, and 140 IAC 8-3-20 to increase service charges. Adds 140 IAC 8-3-21, 140 IAC 8-3-22, 140 IAC 8-3-23, 140 IAC 8-3-24, 140 IAC 8-3-25, 140 IAC 8-3-26, and 140 IAC 8-3-27 to establish service charges for processing duplicate and replacement license plates, duplicate titles, watercraft titles, delinquent watercraft titles, hull identification number applications, delinquent registrations, and delinquent license renewals. Repeals 140 IAC 8-3-2. Effective January 1, 2002.

140 IAC 8-1-3	140 IAC 8-3-15
140 IAC 8-2-1	140 IAC 8-3-16
140 IAC 8-2-2	140 IAC 8-3-17
140 IAC 8-2-3	140 IAC 8-3-18
140 IAC 8-2-4	140 IAC 8-3-19
140 IAC 8-3-1.1	140 IAC 8-3-20
140 IAC 8-3-2	140 IAC 8-3-21
140 IAC 8-3-3	140 IAC 8-3-22
140 IAC 8-3-4	140 IAC 8-3-23
140 IAC 8-3-5	140 IAC 8-3-24
140 IAC 8-3-8	140 IAC 8-3-25
140 IAC 8-3-12	140 IAC 8-3-26
140 IAC 8-3-13	140 IAC 8-3-27
140 IAC 8-3-14	

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 8-1-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-1-3 Policies

Authority: IC 9-14-2-2
Affected: IC 9-16-4

Sec. 3. (a) **Management Hiring Policy:** The commissioner of the bureau of motor vehicles (~~hereinafter, "the~~ (commissioner), with the approval of the commission, shall hire all other commission management employees, who shall serve at the pleasure of the commissioner and the commission.

(b) General branch hiring policy **shall be as follows:**

- (1) ~~Authorization:~~ All branch hiring requests must be approved by the commissioner prior to initiation of the hiring procedure, and overall branch staffing authorizations must be approved by the commission.
- (2) ~~Application:~~ All applicants must complete employment applications on forms approved by the commission.
- (3) ~~Evaluation:~~ Applicants and their applications shall be evaluated by branch management to determine whether applicants satisfactorily meet the requirements of a particular job classification. This evaluation will be made on factors such as:
 - (A) past work experience;
 - (B) education;
 - (C) previous work history;
 - (D) job skills;
 - (E) the applicant's personality and appearance; and
 - (F) the applicant's career goals.
- (4) ~~Selection For Hire:~~ The appropriate manager will select the candidate he or she believes to be best suited for a vacant position. This selection shall be made in accordance with policies and procedures that have been approved by the commission and upon the best judgment of the manager as to the candidate's suitability for service to the public in license branch operations.

(c) ~~General Promotional Policy:~~ Branch managers shall, in all appropriate circumstances, consider current branch employees for vacancies within branch employment. If a branch manager determines that a suitable candidate is not available within existing branch employees, a new employee may be selected from duly qualified applicants.

(d) ~~Classifications of Employment:~~ The commission has approved **the following** four (4) major classifications of employment, the terms and conditions of which shall be described in the employee handbook:

- (1) Probationary employees.
- (2) Temporary employees.
- (3) Part-time employees. ~~and~~
- (4) Full-time employees.

(e) ~~Branch Operating Hours:~~ The operating hours of each local branch shall be determined by the commissioner, with the approval of the commission, on the basis of the particular needs of the community served by the local branch.

(f) ~~Overtime:~~ Nonexempt commission employees shall be paid for overtime hours worked as required by applicable statutes and regulations. Procedures for scheduling and compensating overtime will be defined by the commissioner, and the commissioner may approve branch requests for overtime use prior to its implementation.

(g) ~~Employee Benefits and Conduct:~~ In the employee

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handbook, the commissioner shall set forth the commission's approved policies, procedures, and rules which cover such employment benefits as vacation, holidays, and sick leave and such other matters as absenteeism, employee misconduct, and disciplinary procedures.

(h) ~~Position Descriptions~~: The commissioner shall issue uniform position descriptions for the various positions at each branch, which descriptions shall be approved by the commission before they are instituted. It is understood that the descriptions do not preclude the use of cross-training and, further, that certain positions may be combined by branch managers, upon the recommendation of the commissioner and the approval of the commission, to facilitate the economic delivery of branch services to the public.

(i) ~~Orientation~~: Managers shall provide each employee with a copy of the employee handbook and position description and explain them to each employee at the time of hire.

(j) Performance review **requirements shall be as follows:**

(1) ~~Annual: Before or at the end of the probationary period, and at least once annually thereafter; A six (6) month employee performance review shall be conducted for all commission employees shall be reviewed for performance by their respective supervisors. This employee performance review shall be conducted according to procedures approved by the commission. It shall be:~~

(A) ~~made within thirty (30) days before or initiated six (6) months after the anniversary of the employee's date of hire with the commission;~~

(B) conducted on forms approved by the commission;

(C) signed by both the supervisor and the employee; and

(D) retained with the employee's permanent personnel file, which shall be maintained by the commission.

(2) ~~For Other Purposes~~: An employee performance review may also be conducted by a branch manager at any time appropriate to the proper administration of the policies and procedures of the commission. ~~but such review shall also be made at least once annually according to the procedures outlined above.~~

(k) ~~Employee Complaint Procedure~~: The commissioner shall develop a procedure for the prompt and consistent resolution of employee complaints. This procedure shall be subject to the approval of the commission and shall utilize verbal resolution at the branch with the opportunity to submit a written appeal to a designated deputy commissioner and ultimately the commissioner for final disposition.

(l) ~~Modification~~: The procedures contained in the employee handbook are subject to periodic modification and development by the commission. As additions, deletions, or changes are made, appropriate memoranda shall be issued and distributed. (*Bureau of Motor Vehicles; 140 IAC 8-1-3; filed Mar 26, 1987,*

11:15 a.m.: 10 IR 1558; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 923, eff Jan 1, 2002)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 8-2-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-2-1 Purpose

Authority: IC 9-14-2-2

Affected: IC 9-16-2-5

Sec. 1. (a) It is the purpose of this procurement system to define and outline the basic expectations of the bureau of motor vehicles commission (~~hereinafter~~ (commission)) as they relate to the procurement of equipment, materials, ~~and~~ goods, ~~and~~ services required for the operation of license branches operating under the commission's authority.

(b) The procurement system shall establish the methodology to regulate the procurement of equipment, materials, ~~and~~ goods, ~~and~~ services, or leases of equipment, required for the operation of license branches operating under the commission's authority. (*Bureau of Motor Vehicles; 140 IAC 8-2-1; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 924, eff Jan 1, 2002)*

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 8-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-2-2 Policy

Authority: IC 9-14-2-2

Affected: IC 9-16-2

Sec. 2. (a) ~~As a result of the accelerated timetable mandated by IC 9-16 for the conversion of the remaining license branches;~~ This procurement system shall have as its goal the speedy and efficient administration of procurement decisions, while at the same time providing an atmosphere of fairness for participants.

(b) This procurement system shall not alter the existing statutory system for the lease or purchase of license branch facilities as outlined in IC 9-16-2.

(c) This procurement system shall not alter the existing method for procuring equipment and supplies under any previously established ~~S.D.O.~~ special dispersing officer (**S.D.O.**) accounts system.

(d) This procurement system shall not alter any previously established system for procuring equipment, materials, ~~and~~ goods, ~~and~~ services from any other board, commission, division, department, bureau, or other state or federal entity.

(e) In the case of fire, flood, windstorm, casualty, or other extraordinary emergency, including mechanical failure of any part of a building or structure, and where the health, safety, or welfare of the public or the necessary license branch or commission operations are endangered by such loss or damage, the

commission may, upon a declaration of emergency recorded in its minutes, proceed to procure equipment, materials, ~~or~~ goods, **or services**, or leases of equipment without advertising for bids provided that, in such an emergency and subject to the applicability provisions outlined herein, bids shall be invited from at least three (3) or more persons, firms, or corporations known to deal in the equipment, materials, ~~or~~ goods, **or services** to be procured or equipment to be leased, and the minutes of the commission shall show the names of those persons, firms, or corporations invited to bid. (*Bureau of Motor Vehicles; 140 IAC 8-2-2; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 924, eff Jan 1, 2002*)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 8-2-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-2-3 Procedural requirements for the procurement of equipment, materials, goods, and services; applicability

Authority: IC 9-14-2-2
Affected: IC 9-16-2

Sec. 3. (a) The commission, or its duly authorized procurement agent, hereinafter referred to collectively as purchaser, shall comply with the procedural requirements of this procurement system whenever the total amount of any procurement of equipment, materials, ~~or~~ goods, **or services** exceeds ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payment under any equipment lease exceeds ~~five twenty-five~~ thousand dollars (~~\$5,000~~), (**\$25,000**). This procurement system applies to leases of equipment whether or not title passes from the lessor to the lessee. ~~The term "purchaser"~~ As used in this procurement system, **"purchaser"** includes persons who make leases for equipment. This procurement system does not apply to current utility bills.

(b) In all cases of procurement of equipment, materials, ~~or~~ goods, **or services** where the total amount of any such procurement does not exceed the sum of ~~ten seventy-five~~ thousand dollars (~~\$10,000~~) (**\$75,000**) and in all cases of the lease of equipment where the annual rental payment does not exceed ~~five twenty-five~~ thousand dollars (~~\$5,000~~), (**\$25,000**), the purchaser may procure or lease in the open market without the giving of notice, the receiving of bids, or any other formalities.

(c) All procurement of similar equipment, materials, ~~or~~ goods, **or services** by the purchaser from a person during a six (6) month period under subsection (b) may not exceed ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**), and the total annual rental payments to a person under all leases for equipment under subsection (b) may not exceed ~~five twenty-five~~ thousand dollars (~~\$5,000~~), (**\$25,000**). (*Bureau of Motor Vehicles; 140 IAC 8-2-3; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 925, eff Jan 1, 2002*)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 8-2-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-2-4 Procurement of equipment, materials, goods, and services or the lease of equipment; procedural requirements

Authority: IC 9-14-2-2
Affected: IC 9-16-2-5

Sec. 4. (a) The procedural requirements for the procurement of equipment, materials, ~~and~~ goods, **and services** or the lease of equipment shall include the giving of notice and competitive sealed bidding.

(b) The manner of giving notice shall be as follows:

(1) Whenever public notice is required, the notice shall be given in the manner prescribed by this section.

(2) The commission chairman will determine the minimum number of notices to be given by publication according to the following schedule:

(A) If the ultimate expenditure involved in a procurement of equipment, materials, ~~or~~ goods, **and services** is estimated by the commission chairman to exceed ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payment under any equipment lease is estimated by the commission chairman to exceed ~~five twenty-five~~ thousand dollars (~~\$5,000~~), (**\$25,000**), a notice will be published at least once.

(B) If the ultimate expenditure involved in a procurement of equipment, materials, ~~or~~ goods, **and services** is estimated by the commission chairman to be less than ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payment under any equipment lease is estimated by the commission chairman to be less than ~~five twenty-five~~ thousand dollars (~~\$5,000~~), (**\$25,000**), a publication of notice is not required.

(C) The commission chairman may provide for the publication of additional notices, even if no publication is required by this subsection.

(3) Whenever publication of notice is required by this section, the notice will be published in one (1) newspaper of general circulation in Marion County, Indiana.

(A) If the procurement of equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is for more than one (1) license branch facility geographically located outside Marion County, Indiana, the notice may also be published in one (1) or more newspapers of general circulation in a county in which equipment, materials, ~~or~~ goods, **or services**, or ~~leases the lease~~ of equipment ~~are~~ is to be used.

(B) If the procurement of equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is for a single license branch facility geographically located outside Marion County, Indiana, or the procurement of equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is for multiple license branch facilities located in a single county

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other than Marion County, Indiana, the notice shall also be published in one (1) newspaper of general circulation in the county in which the equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is to be used.

(C) The commission chairman may designate additional newspapers for the publication of notice according to the nature of the procurement.

(4) In addition to the publication requirements of this section, the commission chairman will also give notice in the following manner whenever the ultimate expenditure involved in a procurement of equipment, materials, ~~or~~ goods, **or services** is estimated by the commission chairman to exceed ~~ten~~ **seventy-five** thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payments under any equipment lease is estimated by the commission chairman to exceed ~~five~~ **twenty-five** thousand dollars (~~\$5,000~~); (**\$25,000**):

(A) The commission chairman will send notices, invitations to bid, requests for offers, or requests for proposals by mail to prospective bidders or offerors known to him.

(B) The commission chairman may post notices on a bulletin board in the commission's office.

(5) The commission chairman will schedule all notices given under this section so as to provide a reasonable amount of time for operation and submission of responses after notification. The period between:

(A) the last publication, mailing, or posting of notices; and

(B) the final date set for submitting bids, offers, or proposals; may not be less than seven (7) calendar days. Notwithstanding clauses (A) through (B), the commission chairman, with the telephonic or written approval of the site-selection subcommittee, may, based upon the exigencies of the situation and the need to maintain uninterrupted high quality license branch service, decrease the time for preparation and submission of responses after notification to three (3) days.

(c) The competitive sealed bidding process shall be as follows:

(1) The following procedure will be followed by the commission in awarding contracts by competitive sealed bidding:

(A) An invitation for bids shall be issued and must include the following:

(i) A purchase description.

(ii) All contractual terms and conditions applicable to the procurement.

(iii) A statement of the evaluation criteria to be used, including criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.

(iv) The terms and place for the opening of bids.

(v) A statement concerning whether the bid must be accompanied by a certified check or other evidence of financial responsibility.

(vi) A statement concerning the conditions under which a bid proposal may be cancelled or rejected in whole or in part as specified in this procurement system.

(vii) A statement that any person entering into a contract for equipment, materials, **and** goods, **and services**, or ~~leases the lease~~ of equipment will be required to sign a noncollusion affidavit provided by the commission.

(B) Public notice shall be given in the manner required by subsection (b).

(C) Bids will be opened publicly in a public meeting of the commission as designated in the invitation for bids. At the time the bids are opened, the commission chairman or his designee will sign each bid.

(D) Bids will be:

(i) unconditionally accepted without alteration or correction, except as provided in subdivision (3); and

(ii) evaluated based on the requirements set forth in the invitation for bids.

(E) A contract will be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids as analyzed by the commission members.

(2) The following information will be subject to public inspection after the contract award:

(A) The invitation for bids.

(B) A list of all vendors who were sent the invitation for bids.

(C) The name and address of each bidder.

(D) The amount of each bid.

(E) A record showing the name of the successful bidder, the dollar amount of the bid, and the basis on which the award was made.

(F) The entire contents of the contract file, except for proprietary information, **which that** may have been included with a bid such as:

(i) trade secrets;

(ii) manufacturing process;

(iii) financial information not otherwise publicly available; or

(iv) other data **which that** does not bear on the competitive goals of public procurement, which was not required by the terms of the invitation for bids itself to be made available for public inspection.

A bidder will identify information **which he that the bidder** proposes to remain confidential and bind it separately from the remainder of the bid. Requests for public disclosure of information **which that** a bidder has identified as proprietary will be made to the commission chairman in writing. The commission chairman will examine the information to determine the validity of the bidder's request for confidentiality and will inform the bidder of the decision, which decision will become a part of the contract file.

(3) Withdrawal of a bid will be permitted before the exact date and hour for submission of bids, either by an agent of the bidder bearing proper authorization and identification who will receive and sign for the unopened bid packet, or by the timely receipt of a certified letter or telegram from the bidder. A bid already submitted may be modified by withdrawal of

the bid as provided above and by a resubmission of the modified bid in compliance with the original bidding procedures. Neither the staff nor the facilities of the commission will be available to a bidder desiring to make modifications. The commission chairman has the authority to cancel awards or contracts based on bid mistakes when he determines that such action is in the best interest of the commission. Such action may be supported by a written determination made by the commission chairman. This subdivision will also apply to competitive sealed proposals.

(4) At the discretion of the commission chairman, bidders may be required to submit, with their bid, a bid guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. ~~of Indiana.~~ If such is required, the amount of the bid guarantee will be specified in the invitation to bid. Bid guarantees will be returned to bidders, upon request, at the successful completion of the contract. At the discretion of the commission chairman, a successful bidder may be required to submit, after the award has been made, a performance guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. ~~of Indiana.~~ If such is required, the amount of the performance guarantee and the time that it must be submitted will be specified in the invitation to bid. Performance guarantees will be returned, upon request, at the successful completion of the contract. A successful bidder shall be required to submit a noncollusion affidavit provided by the commission.

(d) The process for competitive sealed proposals shall be as follows:

(1) When the commission chairman makes a written determination that the use of competitive sealed bidding is either not practicable or not advantageous to the state or commission, the commission may award a contract using the following procedure instead of competitive sealed bidding as provided by subsection (c):

(A) Proposals will be solicited through a request for proposals, which must include the following:

- (i) The factors or criteria that will be used in evaluating the proposals.
- (ii) A statement concerning the relative importance of price and the other evaluation factors.
- (iii) A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility.
- (iv) A statement concerning whether discussions may be conducted with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements.

(B) Public notice will be given in the same manner as required by subsection (b).

(C) Proposals will be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.

(D) A register of proposals will be prepared and must be opened for public inspection after contract award. The register of proposals must contain the following:

- (i) The request for proposals.
- (ii) A list of all vendors who were sent the request for proposals.
- (iii) The name and address of each offeror.
- (iv) The amount of each offer.
- (v) A record showing the name of the successful offeror, the dollar amount of the offer, and the basis on which the award was made.
- (vi) The entire contents of the contract file, except for proprietary information, ~~which that~~ may have been included with an offer such as:

- (AA) trade secrets;
- (BB) manufacturing processes;
- (CC) financial information not otherwise publicly available; or
- (DD) other data ~~which that~~ does not bear on the competitive goals of public procurement ~~which that~~ was not required by the terms of the request for proposals itself to be made available for public inspection.

An offeror will identify information ~~which he that the offeror~~ proposes to remain confidential and bind it separately from the remainder of his ~~or her~~ offer.

Requests for public disclosure of information ~~which that~~ an offeror has identified as proprietary will be made to the commission chairman in writing. The commission chairman will examine the information to determine the validity of the offeror's request for confidentiality and will inform the offeror of the decision, which decision will become a part of the contract file. After opening, but prior to the contract award, ~~the following information will be subject to public inspection:~~ the request for proposals, a list of all vendors who received the request for proposal, and the name and address of each offeror **will be subject to public inspection.**

(E) As provided in the request for proposals, discussions may be conducted with responsible and responsive offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.

(F) No discussions will be held with an offeror whose proposal fails to meet a mandatory requirement of the request for proposals.

(G) Discussions will be held to:

- (i) promote understanding of the commission's requirements and the offeror's proposals; and
- (ii) facilitate arriving at a contract that will be most advantageous to the commission taking into consideration

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price and other evaluation factors set forth in the request for proposals.

In conducting discussions, there must be no disclosure of any information derived from proposals submitted by competing offerors. The only factors or criteria that may be used in the evaluation of proposals are those specified in the request for proposals. The requirements of the commission as outlined in the request for proposal will not be altered.

(H) After identification of the responsible and responsive offeror whose proposal appears to be the most advantageous to the commission, the commission will enter into contract preparation activities with the offeror. If at any time the contract preparation activities are judged to be ineffective, the commission may cease all activities with the offeror and begin contract preparation activities with the next highest ranking offeror. This process may continue until a completed contract is executed. The commission reserves the right to cease all contract preparation activities at any time and to reject all proposals if such action is determined by the commission chairman to be in the best interest of the commission.

(I) Award will be made to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the commission taking into consideration price and the other evaluation factors set forth in the request for proposals.

(2) At the discretion of the commission chairman, offerors may be required to submit, with their proposal, a proposal guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. ~~of Indiana.~~ If such is required, the amount of the proposal guarantee will be specified in the request for proposals. Proposal guarantees will be returned to offerors, upon request, after the execution of the contract. At the discretion of the commission chairman, a successful offeror may be required to submit, after the award has been made, a performance guarantee in the form of a certified check or a bond acquired from a surety company authorized to do business in the state. ~~of Indiana.~~ If such is required, the amount of the performance guarantee and the time that it must be submitted will be specified in the request for proposal. Performance guarantees will be returned, upon request, at the successful completion of the contract.

(e) The process for cancellation or rejection of solicitations shall be as follows:

(1) Prior to opening, a solicitation (a solicitation of bids or a request for proposals) may be cancelled in whole or in part when the commission chairman determines in writing that such action is in the best interest of the commission for reasons, including, but not limited to, the following:

(A) The commission no longer requires the procurement of equipment, materials, ~~or~~ goods, **or services**, or ~~leases the~~ **lease** of equipment.

(B) The commission no longer can reasonably expect to fund the procurement.

(C) Proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable.

(2) When a solicitation is cancelled prior to opening, notice of cancellation will be sent to all businesses ~~which that~~ submitted a bid or proposal. The notice of cancellation will:

(A) identify the solicitation; and

(B) cite the reason for cancellation.

The reason for cancellation will be made part of the procurement file and will be available for public inspection.

(3) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the commission determines, in writing, that such action is in the commission's best interest for reasons, including, but not limited to, the following:

(A) The procurement of equipment, materials, ~~or~~ goods, **or services**, or ~~leases the lease~~ of equipment is no longer required.

(B) Ambiguous or otherwise inadequate specifications were part of the solicitation.

(C) Prices exceed available funds, and it would not be appropriate to adjust quantities to come within available funds.

(D) All otherwise acceptable bids or proposals received are at clearly unreasonable prices.

(E) There is reason to believe that the bids or proposals:

(i) may not have been independently arrived at in open competition;

(ii) may have been collusive; or

(iii) may have been submitted in bad faith.

(4) When a solicitation is cancelled after opening but prior to award, a notice or rejection will be sent to all businesses ~~which that~~ submitted a bid or proposal. The notice of cancellation will:

(A) identify the solicitation; and

(B) cite the reason for cancellation.

The reason for rejection will be made part of the procurement file and will be available for public inspection.

(5) After opening but prior to award, individual bids or proposals may be formally rejected when the commission makes a written determination that:

(A) the business that submitted the bid or proposal is not responsible;

(B) the bid or proposal is not responsive in that it does not conform in all material respects to the requirements of the solicitation; and

(C) the equipment, materials, ~~or~~ goods, **or services**, or ~~leases the lease~~ of equipment offered ~~are~~ **is** unacceptable by reason of their failure to meet the requirements of the specifications or permissible alternatives or other acceptability criteria set forth in the solicitation.

The determination will be made a part of the contract file.

(f) Types of contract; prohibited contract shall be as follows:

(1) Any type of contract not otherwise prohibited by law or policy may be used. A firm, fixed price contract, however, is preferred. Any other type of contract may be used only when the commission determines that such use is in the commission's best interest. Any solicitation will include notice of the contract terms and conditions.

(2) Among the factors ~~which that~~ may be considered in selecting contract type are the following:

(A) The type or complexity of the procurement of equipment, materials, ~~or goods, or services, or leases the lease~~ of equipment.

(B) The difficulty of estimating performance costs, such as the inability of the commission to develop definitive specifications, to identify the risks to the contractor inherent in the nature of the work to be performed, or otherwise establish clearly the requirements of the contract.

(C) The administrative costs to both parties.

(D) The degree to which the commission must provide technical coordination during the performance of the contract.

(E) The effect of the choice type on the amount of compensation to be expected.

(F) The stability of material or commodity market prices or wage levels.

(G) The urgency of the requirement.

(H) The length of contract performance.

(I) Federal requirements.

(3) A contract may contain an option for renewal or extension of its terms not otherwise prohibited by law or policy without modification for a specified period of time; however:

(A) exercise of the option is at the discretion of the commission with mutual agreement by the contractor;

(B) notice of such provision must be included in any solicitation;

(C) such renewal or extension must be approved by the commission; and

(D) such a contract for equipment, materials, ~~or goods, or services, or the lease of equipment~~ may be entered into for any period of time not to exceed one (1) year for equipment, materials, ~~or goods, or services, or three (3) years for leases the lease~~ of equipment if:

(i) the term of the contract and the conditions for renewal or extension, if any, are included in the solicitation;

(ii) funds are available for the first full year of the contract at the time of contracting;

(iii) the solicitation and contract specify that payment and performance obligations for succeeding fiscal years are subject to appropriation and availability of funds for these years; and

(iv) the solicitation requires that each bidder or offeror estimate the value of any nonrecurring costs ~~which that~~ will have been incurred but amortized should the contract be ~~cancelled~~: **canceled**.

(g) Modification and termination of contracts for the procure-

ment of equipment, materials, ~~or goods, or services, or leases the lease~~ of equipment shall be as follows:

(1) A fixed price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract. The formula or other basis by which adjustment in contract price can be made will be specified in the solicitation and resulting contract. Any modifications or adjustments shall comply with all applicable law and policy. Adjustment allowed may be upward ~~or~~ downward, or both.

(2) Some, but not all, of special conditions for which contract adjustment provisions may be permitted by the commission chairman to be included in a fixed price contract include changes due to rapid and substantial price fluctuations, which can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy) or rates controlled by law.

(Bureau of Motor Vehicles; 140 IAC 8-2-4; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1735; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 925, eff Jan 1, 2002)

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 8-3-1.1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

Rule 3. Service Charges

140 IAC 8-3-1.1 Pull service charge

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-29-3

Sec. 1.1. (a) The pull service charge is the charge that the bureau of motor vehicles commission shall require for a requested low numbered ~~passenger~~ motor vehicle registration plate or a special numbered ~~passenger~~ motor vehicle registration plate as defined in subsections (b) through (c).

(b) As used in this rule, "low numbered ~~passenger~~ motor vehicle registration plate" means any ~~passenger~~ motor vehicle registration plate numbered from one (1) to one hundred (100) ~~before or~~ after the county designation number ~~and or~~ letter series designation, ~~or both~~.

(c) As used in this rule, "special numbered ~~passenger~~ motor vehicle registration plate" means any plate, other than a low numbered ~~passenger~~ motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) The pull service charge for a low numbered ~~passenger~~ motor vehicle registration plate or a special numbered ~~passenger~~ motor vehicle registration plate is ~~twenty-five~~ **thirty** dollars ~~(\$25); (\$30)~~, regardless of the remaining life of the plate, to be collected at the time of issuance.

(e) All bureau of motor vehicle and bureau of motor vehicle commission employees are prohibited from requiring, receiving, suggesting, or condoning any political contribution or other

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unauthorized payment in exchange for a low or special numbered ~~passenger~~ motor vehicle registration plate. Any employee found to be in violation of this policy shall be subject to immediate dismissal from employment. Any other person who requires, receives, suggests, or condones a political contribution or other unauthorized payment for a low or special numbered ~~passenger~~ motor vehicle registration plate or assignment thereof, shall be barred from participation in this allocation program and may be subject to criminal sanctions.

(f) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-1.1; filed Jan 16, 1990, 5:00 p.m.: 13 IR 1014, eff Jan 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-124 was filed Jan 16, 1990.]; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1260, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 929, eff Jan 1, 2002*)

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 8-3-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-3 Forms service charge

Authority: IC 9-14-2-2; IC 9-29-3-19
Affected: IC 9-16-1-5; IC 9-29-3

Sec. 3. (a) The forms fee is the service charge that all license branches shall charge for providing specified forms.

(b) The forms service charge for ~~providing the following specified forms~~ shall be **five dollars (\$5) for each of the following specified forms:**

- | | |
|---|-----|
| (1) Power of attorney. | \$† |
| (2) Affidavit for transfer of certificate of title for a vehicle without estate administration. | \$† |
| (3) Affidavit hold harmless. | \$† |
| (4) Affidavit of ownership. | \$† |
| (5) Affidavit personal name change. | \$† |
| (6) Affidavit one (1) and the same person. | \$† |

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-3; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 8-3-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-4 Speed title service charge

Authority: IC 9-14-2-2; IC 9-29-3-19
Affected: IC 9-16-1-5; IC 9-17-2; IC 9-29-3; IC 9-29-4-3

Sec. 4. (a) The speed title fee is the service charge that all license branches shall charge for processing motor vehicle titles in a processing period substantially shorter than the normal

processing period. This **speed title** service charge shall be **collected** in addition to:

- (1) the title fee **under IC 9-29-4;**
- (2) **the title service charge** prescribed in IC 9-29-3;
- (3) **any applicable title fee increase established by rule under 140 IAC 8-4; and**
- (4) **any other applicable title service charge under this rule.**

(b) The speed title service charge shall be ~~twenty twenty-five~~ dollars (~~\$20~~): **(\$25)**.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-4; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

SECTION 9. UNDER IC 4-22-2.5-3, 140 IAC 8-3-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-5 Duplicate or corrected registration service charges

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-18-2; IC 9-29-3-18

Sec. 5. (a) The duplicate or corrected registration service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate or corrected vehicle registration. The duplicate or corrected registration service charge shall be collected in addition to the applicable statutory fee and any applicable fee increase established by rule under 140 IAC 8-4.

(b) ~~Notwithstanding IC 9-29-3-18,~~ The duplicate or corrected registration service charge, **which includes the service charge amount under IC 9-29-3-18,** shall be ~~two five~~ dollars (~~\$2~~): **(\$5)**.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-5; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

SECTION 10. UNDER IC 4-22-2.5-3, 140 IAC 8-3-8 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-8 Vehicle registration service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-18-1; IC 9-29-3-4; IC 9-29-5

Sec. 8. (a) The vehicle registration service charge is the service charge, originally set forth in IC 9-29-3-4, that all license branches shall charge for the issuance of a vehicle registration or a temporary registration permit under IC 9-18-1.

(b) ~~Notwithstanding IC 9-29-3-4,~~ The vehicle registration service charge, **which includes the service charge amount under IC 9-29-3-4,** shall be ~~two five~~ **dollars and twenty-five cents (\$2.25) (\$5.25)** at each branch for each registration. Of this service charge, one dollar and twenty-five cents (\$1.25) shall be withheld from the applicable statutory fee, and ~~one dollar (\$1)~~ **four dollars (\$4)** shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-8; filed Dec 12, 1990, 2:00 p.m.: 14 IR 1002; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2596; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1262, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 930, eff Jan 1, 2002*)

SECTION 11. UNDER IC 4-22-2.5-3, 140 IAC 8-3-12 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-12 Title service charge

Authority: IC 9-14-2-2; 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; IC 9-29-14

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) ~~Notwithstanding IC 9-29-3-5,~~ The title service charge, **which includes the service charge amount under IC 9-29-3-5,** shall be ~~two five~~ **dollars (\$2) (\$5)**. Of this service charge, one dollar (\$1) shall be withheld from the applicable statutory fee, and ~~one dollar (\$1)~~ **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) 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*)

SECTION 12. 140 IAC 8-3-13 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-13 Delinquent title service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-17; IC 9-29-3-6; IC 9-29-4-4; IC 9-29-14

Sec. 13. (a) The delinquent title service charge is the service charge under subsection (b) that all license branches shall charge for a delinquent application for a vehicle certificate of title.

(b) ~~Notwithstanding IC 9-29-3-6,~~ The delinquent title service

charge, **which includes the service charge amount under IC 9-29-3-6,** shall be ~~seven twelve~~ **dollars (\$7) (\$12)**. Of this service charge, two dollars (\$2) shall be withheld from the applicable statutory fee under IC 9-29-4-4, and ~~five ten~~ **dollars (\$5) (\$10)** shall be collected in addition to the applicable statutory fee under IC 9-29-4-4, any other applicable statutory fee 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) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-13; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 931, eff Jan 1, 2002*)

SECTION 13. 140 IAC 8-3-14 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-14 Special motor vehicle identification number service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-18; IC 9-29-3; IC 9-29-5-22; IC 9-29-14

Sec. 14. (a) The special motor vehicle identification number service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a special motor vehicle identification number. This fee shall be in addition to the applicable statutory fee for the issuance of a special motor vehicle identification number under IC 9-29-5-22, any other applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The special motor vehicle identification number service charge shall be ~~one dollar four dollars~~ **and fifty cents (\$1.50) (\$4.50)**.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-14; 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*)

SECTION 14. 140 IAC 8-3-15 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-15 Transfer of vehicle registration service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-18; IC 9-29-3; IC 9-29-5-23; IC 9-29-14

Sec. 15. (a) The transfer of vehicle registration service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a transferred vehicle registration.

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(b) The transfer of vehicle registration service charge shall be ~~two five dollars (\$2): (\$5)~~. Of this service charge, one dollar (\$1) shall be withheld from the statutory fee under IC 9-29-5-23, ~~and one dollar (\$1)~~ **four dollars (\$4)** shall be collected in addition to the applicable statutory fee, any other applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule, provided that the service charge established under section 8 of this rule shall not apply to the issuance of a transferred vehicle registration.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-15; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1264, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 931, eff Jan 1, 2002*)

SECTION 15. 140 IAC 8-3-16 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-16 Miscellaneous special license plate service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-18; IC 9-29-5

Sec. 16. (a) The miscellaneous special license plate service charge is the applicable service charge under subsection (b) that all license branches shall charge for the issuance of:

- (1) a personalized license plate issued under IC 9-18-15;
- (2) an amateur radio operator's license plate issued under IC 9-18-23;
- (3) a special group recognition license plate issued under IC 9-18-25;
- (4) an environmental license plate issued under IC 9-18-29;
- (5) a children's trust license plate issued under IC 9-18-30; and
- (6) an education license plate issued under IC 9-18-31.

(b) The miscellaneous special license plate service charge shall be ~~one dollar (\$1):~~ **four dollars (\$4)**. The miscellaneous special license plate service charge shall be collected in addition to the applicable statutory fees under ~~IC 9-29-5, IC 9-29-5-32, IC 9-29-5-36, and IC 9-29-5-38~~, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All service charges collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-16; 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 932, eff Jan 1, 2002*)

SECTION 16. 140 IAC 8-3-17 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-17 Civic event license plate fee and service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-29-5-37
Affected: IC 9-16-1-5; IC 9-18-24; IC 9-29-3; IC 9-29-14

Sec. 17. (a) The civic event license plate fee is the fee to be established by rule under IC 9-29-5-37 for a civic event license plate issued under IC 9-18-24.

(b) The civic event license plate service charge is the service charge under subsection (d) that shall be charged for the issuance of a civic event license plate under IC 9-18-24.

(c) The civic event license plate fee shall be ~~five eight dollars (\$5):~~ **(\$8)**.

(d) The civic event license plate service charge shall be ~~five eight dollars (\$5)~~ **(\$8)** and shall be collected in addition to the fee established in this section and any applicable fee increase established by rule under 140 IAC 8-4.

(e) All civic event license plate service charges shall be deposited in the state license branch fund.

(f) All civic event license plate fees shall be deposited with the treasurer of the state and credited to the motor vehicle highway account. (*Bureau of Motor Vehicles; 140 IAC 8-3-17; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1264, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 932, eff Jan 1, 2002*)

SECTION 17. 140 IAC 8-3-18 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-18 Additional service charge for permits and licenses

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-24; IC 9-29-3-8

Sec. 18. (a) The additional service charge for permits and licenses is the applicable service charge under subsection (b) that all license branches shall charge for the issuance of the applicable permit or license to operate a motor vehicle, other than a commercial driver's license or permit, under IC 9-24-1. The additional service charge for permits and licenses shall be collected in addition to the applicable statutory fee for the applicable permit or license, the applicable fee increase established by rule under 140 IAC 8-4 for such permit or license, and any other applicable service charge currently withheld from the statutory fee under IC 9-29-3 provided that, notwithstanding IC 9-29-3-8, the applicable service charge currently withheld from the statutory fee for an operator's license or a motorcycle operator's license is established under section 9 of this rule.

(b) The additional service charges for permits and licenses are as follows:

- (1) ~~One dollar (\$1)~~ **Four dollars (\$4)** for the following:
 - (A) A learner's permit issued under IC 9-24-7.
 - (B) A motorcycle learner's permit issued under IC 9-24-8.
 - (C) A duplicate or amended learner's permit or motorcycle learner's permit issued under IC 9-24-14.

- (2) ~~Two~~ **Five** dollars (~~\$2~~) (**\$5**) for the following:
- (A) An operator's license issued under IC 9-24-11.
 - (B) A motorcycle operator's license issued under IC 9-24-8.
 - (C) A chauffeur's license issued under IC 9-24-4.
 - (D) A public passenger chauffeur's license issued under IC 9-24-5.
 - (E) A motorcycle endorsement of an operator's license or a chauffeur's license issued under IC 9-24-8.
 - (F) A duplicate or amended operator's license, chauffeur's license, public passenger chauffeur's license, or motorcycle operator's license issued under IC 9-24-14.
- (3) ~~One dollar~~ **Four dollars** and fifty cents (~~\$1.50~~) (**\$4.50**) for a motorcycle endorsement of a public passenger chauffeur's license.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-18; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 932, eff Jan 1, 2002*)

SECTION 18. 140 IAC 8-3-19 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-19 Commercial driver's license service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-24-6; IC 9-29-9; IC 9-29-14

Sec. 19. (a) The commercial driver's license service charge is the applicable service charge under subsection (b) that all license branches shall charge for the applicable permit or license to operate a commercial motor vehicle under IC 9-24-6.

(b) The applicable commercial driver's license service charge shall be as follows:

- (1) For a commercial driver's license learner's permit, the commercial driver's license service charge shall be ~~two five~~ **five** dollars (~~\$2~~) (**\$5**) and shall be collected in addition to the fee established by rule under 140 IAC 7-3-15(a)(3).
- (2) For a duplicate or amended commercial driver's license learner's permit, the commercial driver's license service charge shall be ~~one dollar~~ (~~\$1~~) **four dollars** (**\$4**) and shall be collected in addition to the fee established by rule under 140 IAC 7-3-15(a)(4).
- (3) For a commercial driver's license endorsement issued at the time of application for the license that is to be endorsed, or for a commercial driver's license endorsement at any time other than the time of application for the license that is to be endorsed, the service charge shall be ~~one dollar~~ (~~\$1~~) **four dollars** (**\$4**) and shall be collected in addition to the applicable fee under 140 IAC 7-3-15 and the applicable service charge withheld from such fee under 140 IAC 7-3-15.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-19; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan*

1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002)

SECTION 19. 140 IAC 8-3-20 IS AMENDED TO READ AS FOLLOWS:

140 IAC 8-3-20 Identification card service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-24-16; IC 9-29-3-14; IC 9-29-9-15; IC 9-29-14

Sec. 20. (a) The identification card service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of an identification card under IC 9-24-16. The identification card service charge shall be collected in addition to the applicable statutory fee for the issuance of an identification card and the applicable service charge currently withheld from the statutory fee under IC 9-29-3-14.

(b) The identification card service charge shall be ~~one dollar~~ (~~\$1~~) **four dollars** (**\$4**).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-20; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002*)

SECTION 20. 140 IAC 8-3-21 IS ADDED TO READ AS FOLLOWS:

140 IAC 8-3-21 Duplicate or replacement license plate service charge increase

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-18-2; IC 9-29-5-17

Sec. 21. (a) **The duplicate or replacement license plate service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate or replacement license plate. The duplicate or replacement license plate service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.**

(b) **The duplicate or replacement license plate service charge shall be five dollars (\$5).**

(c) **All amounts collected under this section shall be deposited in the state license branch fund.** (*Bureau of Motor Vehicles; 140 IAC 8-3-21; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002*)

SECTION 21. 140 IAC 8-3-22 IS ADDED TO READ AS FOLLOWS:

140 IAC 8-3-22 Duplicate title service charge increase

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-17; IC 9-29-4-5; IC 9-29-3-5

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Sec. 22. (a) The duplicate title service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate title. The duplicate title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The duplicate title service charge shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-22; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 933, eff Jan 1, 2002*)

SECTION 22. 140 IAC 8-3-23 IS ADDED TO READ AS FOLLOWS:

140 IAC 8-3-23 Watercraft certificate of title service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22 IC 9-31-1-5
Affected: IC 9-16-1-5; IC 9-29-15-1; IC 9-31

Sec. 23. (a) The watercraft certificate of title service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a watercraft certificate of title. The watercraft certificate of title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The watercraft certificate of title service charge shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-23; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

SECTION 23. 140 IAC 8-3-24 IS ADDED TO READ AS FOLLOWS:

140 IAC 8-3-24 Late application for watercraft certificate of title service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-31-1-5
Affected: IC 9-16-1-5; IC 9-29-15-3; IC 9-31

Sec. 24. (a) The late application for watercraft certificate of title service charge is the service charge under subsection (b) that all license branches shall charge for the processing of a late application for a watercraft certificate of title. The late application for watercraft certificate of title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The late application for watercraft certificate of title service charge shall be seven dollars (\$7).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-24; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

SECTION 24. 140 IAC 8-3-25 IS ADDED TO READ AS FOLLOWS:

140 IAC 8-3-25 Hull identification number service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-31-1-5
Affected: IC 9-16-1-5; IC 9-29-15-2; IC 9-31

Sec. 25. (a) The hull identification number service charge is the service charge under subsection (b) that all license branches shall charge for the assignment of a hull identification number for a watercraft. The hull identification number service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The hull identification number service charge shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-25; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

SECTION 25. 140 IAC 8-3-26 IS ADDED TO READ AS FOLLOWS:

140 IAC 8-3-26 Delinquent registration service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22
Affected: IC 9-16-1-5; IC 9-18-2; 9-29-3

Sec. 26. (a) The delinquent registration service charge is the service charge under subsection (d) that all license branches shall charge for processing a delinquent registration.

(b) The delinquent registration service charge shall be collected when a registrant fails to apply and/or provide full payment for the registration of a vehicle, as required by IC 9-18, on or prior to the vehicle registration expiration date.

(c) The delinquent registration service charge shall be collected in addition to the applicable statutory registration fees, any applicable registration fee increase established by rule under 140 IAC 8-4, any applicable tax, and any other applicable service charge under this rule.

(d) The delinquent registration service charge shall be five dollars (\$5).

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(e) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-26; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 934, eff Jan 1, 2002*)

SECTION 26. 140 IAC 8-3-27 IS ADDED TO READ AS FOLLOWS:

140 IAC 8-3-27 Delinquent license renewal service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24-12; IC 9-29-3

Sec. 27. (a) The delinquent license renewal service charge is the service charge under subsection (d) that all license branches shall charge for processing an expired driver license.

(b) The delinquent license renewal service charge shall be collected when a driver fails to renew his/her driver license, in accordance with IC 9-24-12, on or prior to the driver license expiration date.

(c) The delinquent license renewal service charge shall be collected in addition to the applicable statutory fees, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(d) The delinquent license renewal service charge shall be five dollars (\$5).

(e) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-27; readopted filed Oct 17, 2001, 4:23 p.m.: 25 IR 935, eff Jan 1, 2002*)

SECTION 27. 140 IAC 8-3-2 IS REPEALED.

LSA Document #01-118(F)

Intent to Readopt Rules Published: May 1, 2001; 24 IR 2564

Proposed Readopted Rules Published: July 1, 2001; 24 IR 3209

Hearing Held: August 6, 2001

Approved by Attorney General: October 4, 2001

Approved by Governor: October 17, 2001

Filed with Secretary of State: October 17, 2001, 4:23 p.m.

TITLE 220 PAROLE BOARD

LSA Document #01-291(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

220 IAC 1.1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

220 IAC 1.1 GENERAL PROVISIONS

LSA Document #01-291(F)

Intent to Readopt Rules Published: September 1, 2001; 24 IR 4198

Proposed Readopted Rules Published: October 1, 2001; 25 IR 186
Hearing Held: November 6, 2001

Filed with Secretary of State: November 8, 2001, 1:15 p.m.

TITLE 240 STATE POLICE DEPARTMENT

LSA Document #01-185(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

240 IAC 1-4-1	240 IAC 5-2-9
240 IAC 1-4-2	240 IAC 5-2-10
240 IAC 1-4-4	240 IAC 5-2-11
240 IAC 1-4-5	240 IAC 5-2-12
240 IAC 1-4-18	240 IAC 5-3-1
240 IAC 1-4-22	240 IAC 5-3-2
240 IAC 1-5-1	240 IAC 5-3-3
240 IAC 1-5-2	240 IAC 5-4-1
240 IAC 1-5-3	240 IAC 5-5-1
240 IAC 1-5-4	240 IAC 6-1.1-1
240 IAC 1-5-5	240 IAC 6-1.1-2
240 IAC 1-5-6	240 IAC 6-1.1-3
240 IAC 1-5-7.1	240 IAC 6-1.1-4
240 IAC 1-5-8	240 IAC 6-1.1-5
240 IAC 1-5-23	240 IAC 6-1.1-6
240 IAC 3-1-1	240 IAC 6-1.1-7
240 IAC 3-2-1	240 IAC 7-1-1
240 IAC 3-3-1	240 IAC 7-1-2
240 IAC 3-4-1	240 IAC 7-1-3
240 IAC 5-1-1	240 IAC 7-1-4
240 IAC 5-1-2	240 IAC 7-1-5
240 IAC 5-1-3	240 IAC 7-1-7
240 IAC 5-2-7	240 IAC 7-1-8
240 IAC 5-2-8	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

240 IAC 1-4-1 Appointment policy

240 IAC 1-4-2 Appointment procedure

Readopted Rules

240 IAC 1-4-4 Selection process for appointment
240 IAC 1-4-5 Oath, affirmation before employment
240 IAC 1-4-18 Reappointment procedure
240 IAC 1-4-22 Personnel file; unsuccessful applicants
240 IAC 1-5-1 Appointment, reappointment; policy
240 IAC 1-5-2 Appointment, reappointment; applications
240 IAC 1-5-3 Appointment procedures
240 IAC 1-5-4 Appointment, reappointment; job qualifications
240 IAC 1-5-5 Reappointment exceptions
240 IAC 1-5-6 Appointment, reappointment; oath and affirmation
240 IAC 1-5-7.1 Appointment to motor carrier inspector positions; qualifications
240 IAC 1-5-8 Appointment, reappointment; background investigations
240 IAC 1-5-23 Reemployment of employees who are receiving benefits from the police benefit fund
240 IAC 3-1-1 Issuance; improper persons; restricted licenses
240 IAC 3-2-1 Temporary suspension; notice; hearing
240 IAC 3-3-1 Revocation of license; hearing
240 IAC 3-4-1 Application for license; hearing; default; disapproval
240 IAC 5-1-1 General policy; restrictions on use
240 IAC 5-1-2 Audit of system transactions
240 IAC 5-1-3 Audit of criminal history record dissemination
240 IAC 5-2-7 Validation of records
240 IAC 5-2-8 Terminal agency operation; coordinator; duties and responsibilities
240 IAC 5-2-9 User agreement
240 IAC 5-2-10 Security; confidentiality
240 IAC 5-2-11 IDACS operator/coordinator certification training
240 IAC 5-2-12 User agency sanctions
240 IAC 5-3-1 Purpose of network; limitation on participation
240 IAC 5-3-2 Participation; request for authorization
240 IAC 5-3-3 Authorization of federal communications commission; advisory policy committee; duties; objective
240 IAC 5-4-1 Operational procedures
240 IAC 5-5-1 Reporting system violations; form
240 IAC 6-1.1-1 Applicability of rule
240 IAC 6-1.1-2 Definitions
240 IAC 6-1.1-3 Collection and release of information
240 IAC 6-1.1-4 Contents of records
240 IAC 6-1.1-5 Review of information by subject of record
240 IAC 6-1.1-6 Challenge of information; review by hearing committee
240 IAC 6-1.1-7 Appeals from hearing committee
240 IAC 7-1-1 Definitions
240 IAC 7-1-2 Forms
240 IAC 7-1-3 Experience requirements
240 IAC 7-1-4 Felon denied certification

240 IAC 7-1-5 Nonresident applicants
240 IAC 7-1-7 Exemptions
240 IAC 7-1-8 Suspension and revocation

LSA Document #01-185(F)

*Intent to Readopt Rules Published: July 1, 2001; 24 IR 3205
Proposed Readopted Rules Published: September 1, 2001; 24 IR 4204*

Hearing Held: October 2, 2001

Filed with Secretary of State: October 17, 2001, 10:05 a.m.

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

LSA Document #01-49(F)

DIGEST

Readopt rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

357 IAC 1-1	357 IAC 1-5
357 IAC 1-3	357 IAC 1-6
357 IAC 1-4	357 IAC 1-7

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

357 IAC 1-1	Definition of a Pest
357 IAC 1-3	Distribution of Pesticide Products with Restricted Uses
357 IAC 1-4	List of Restricted Use Pesticides
357 IAC 1-5	Outdoor Lawn Pesticide Applications; Notification and Posting
357 IAC 1-6	Civil Penalty Assessment Schedule; Pesticide Registration
357 IAC 1-7	Civil Penalty Assessment Schedule; Pesticide Use and Application

LSA Document #01-49(F)

*Intent to Readopt Rules Published: March 1, 2001; 24 IR 1944
Proposed Readopted Rules Published: July 1, 2001; 24 IR 3222
Hearing Held: September 14, 2001*

Filed with Secretary of State: October 29, 2001, 4:41 p.m.

TITLE 370 STATE EGG BOARD

LSA Document #01-317(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that

Readopted Rules

all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

370 IAC 1-1	370 IAC 1-6
370 IAC 1-2	370 IAC 1-8
370 IAC 1-3	370 IAC 1-9
370 IAC 1-4	370 IAC 1-10
370 IAC 1-5	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

370 IAC 1-1 Statement of Order and Definition
370 IAC 1-2 Temperature Requirements
370 IAC 1-3 Display and Labeling; Restricted Eggs
370 IAC 1-4 Inspections and Noncompliance
370 IAC 1-5 Advertising
370 IAC 1-6 Grade and Size Identification
370 IAC 1-8 Fresh Eggs
370 IAC 1-9 Wholesaler Records
370 IAC 1-10 Sanitation Requirements

LSA Document #01-317(F)

Intent to Readopt Rules Published: September 1, 2001; 24 IR 4198

Proposed Readopted Rules Published: October 1, 2001; 25 IR 187

Hearing Held: November 7, 2001

Filed with Secretary of State: November 7, 2001, 3:22 p.m.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #01-164(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

511 IAC 1-1	511 IAC 4-4-1
511 IAC 1-2	511 IAC 4-4-2
511 IAC 1-2.5	511 IAC 4-4-5
511 IAC 1-3	511 IAC 4-4-6
511 IAC 1-6-1	511 IAC 4-4-7
511 IAC 1-6-5	511 IAC 5-2
511 IAC 1-7	511 IAC 6-2
511 IAC 1-8	511 IAC 6-6
511 IAC 2-5	511 IAC 6-7-9
511 IAC 3	511 IAC 6-8-4
511 IAC 4-2	511 IAC 6-10

511 IAC 6.1-1-1	511 IAC 6.1-4
511 IAC 6.1-1-3	511 IAC 6.1-5-0.5
511 IAC 6.1-1-4	511 IAC 6.1-5-1
511 IAC 6.1-1-5	511 IAC 6.1-5-2.5
511 IAC 6.1-1-6	511 IAC 6.1-5-5
511 IAC 6.1-1-8	511 IAC 6.1-5-6
511 IAC 6.1-1-9	511 IAC 6.1-5-7
511 IAC 6.1-1-10	511 IAC 6.1-5-8
511 IAC 6.1-1-11	511 IAC 6.1-5.1-11
511 IAC 6.1-1-12	511 IAC 6.1-6
511 IAC 6.1-1-13	511 IAC 6.1-7-2
511 IAC 6.1-1-14	511 IAC 6.1-8
511 IAC 6.1-1-15	511 IAC 6.1-9
511 IAC 6.1-2-1	511 IAC 6.1-10
511 IAC 6.1-2-3	511 IAC 9
511 IAC 6.1-2-4	511 IAC 10-6
511 IAC 6.1-2-5	511 IAC 11
511 IAC 6.1-2-6	511 IAC 12
511 IAC 6.1-3	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

511 IAC 1-1 Submission of Authorized Reports
511 IAC 1-2 Teacher Summer Employment Tax Credits
511 IAC 1-2.5 School Technology Advancement Account
511 IAC 1-3 Determining and Reporting Attendance and Membership for State Support
511 IAC 1-6-1 Definitions
511 IAC 1-6-5 Payment of transfer tuition; interest; due date; determination of penalty, interest
511 IAC 1-7 Residence Standards
511 IAC 1-8 PRIME TIME Program
511 IAC 2-5 Administration of the Veterans Memorial School Construction Fund
511 IAC 3 REORGANIZATION OF SCHOOL CORPORATIONS
511 IAC 4-2 Student Health Testing
511 IAC 4-4-1 Purpose of centers
511 IAC 4-4-2 Membership units; establishment
511 IAC 4-4-5 Governance; executive board; advisory council
511 IAC 4-4-6 Programs and services; coordination
511 IAC 4-4-7 Fiscal responsibility; administration costs; withdrawal of corporation; financial support
511 IAC 5-2 Indiana Statewide Testing for Educational Progress (ISTEP) Program
511 IAC 6-2 Requirements for Certified, Commissioned Schools
511 IAC 6-6 Driver Education
511 IAC 6-7-9 Military experience
511 IAC 6-8-4 Application contents
511 IAC 6-10 Postsecondary Enrollment Program

Readopted Rules

- 511 IAC 6.1-1-1 Performance-based accreditation
- 511 IAC 6.1-1-3 Accreditation levels
- 511 IAC 6.1-1-4 Accreditation requirements
- 511 IAC 6.1-1-5 Accreditation procedures
- 511 IAC 6.1-1-6 Full accreditation status, school and school corporation

- 511 IAC 6.1-1-8 Composition of the on-site review panel
- 511 IAC 6.1-1-9 Duties of the on-site review panel
- 511 IAC 6.1-1-10 Recommendations of the on-site review panel
- 511 IAC 6.1-1-11 Determination by the state board
- 511 IAC 6.1-1-12 Duties of the governing body
- 511 IAC 6.1-1-13 Action by the state board
- 511 IAC 6.1-1-14 Recommendations to the general assembly
- 511 IAC 6.1-1-15 Right of appeal; assistance; school improvement plan

- 511 IAC 6.1-2-1 General requirements
- 511 IAC 6.1-2-3 Emergency preparedness drills
- 511 IAC 6.1-2-4 Health tests
- 511 IAC 6.1-2-5 Eye protection devices
- 511 IAC 6.1-2-6 Pupil personnel services
- 511 IAC 6.1-3 Minimum Time Requirements
- 511 IAC 6.1-4 Staff-Student Ratio Requirements
- 511 IAC 6.1-5-0.5 General curriculum principles
- 511 IAC 6.1-5-1 Kindergarten curriculum
- 511 IAC 6.1-5-2.5 Elementary school curriculum
- 511 IAC 6.1-5-5 Textbooks
- 511 IAC 6.1-5-6 Media program
- 511 IAC 6.1-5-7 Special education
- 511 IAC 6.1-5-8 Limited-English proficient students
- 511 IAC 6.1-5.1-11 Other acceptable courses
- 511 IAC 6.1-6 Instructional Staff Requirements
- 511 IAC 6.1-7-2 ISTEP program
- 511 IAC 6.1-8 Performance-Based Award and Incentive Program
- 511 IAC 6.1-9 Nonpublic School Recognition
- 511 IAC 6.1-10 Indiana 2000 Schools
- 511 IAC 9 TEXTBOOK ADOPTIONS
- 511 IAC 10-6 Staff Performance Evaluation
- 511 IAC 11 ADULT EDUCATION
- 511 IAC 12 SUMMER SCHOOL PROGRAMS

LSA Document #01-164(F)

*Intent to Readopt Rules Published: June 1, 2001; 24 IR 2854
Proposed Readopted Rules Published: August 1, 2001; 24 IR 3789*

Hearing Held: September 6, 2001

Filed with Secretary of State: October 12, 2001, 12:55 p.m.

TITLE 575 STATE SCHOOL BUS COMMITTEE

LSA Document #01-165(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

- | | |
|------------------------|-------------------------|
| 575 IAC 1-1-1 | 575 IAC 1-5.5-2 |
| 575 IAC 1-1-2 | 575 IAC 1-5.5-5 |
| 575 IAC 1-1-4 | 575 IAC 1-5.5-6 |
| 575 IAC 1-1-5 | 575 IAC 1-5.5-7 |
| 575 IAC 1-2 | 575 IAC 1-5.5-8 |
| 575 IAC 1-2.5 | 575 IAC 1-5.5-9 |
| 575 IAC 1-3 | 575 IAC 1-5.5-10 |
| 575 IAC 1-4 | 575 IAC 1-5.5-11 |
| 575 IAC 1-5 | 575 IAC 1-7 |
| 575 IAC 1-5.5-1 | |

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 575 IAC 1-1-1 Applicability of specifications; definitions
- 575 IAC 1-1-2 Purchasing specifications
- 575 IAC 1-1-4 Written certification of compliance
- 575 IAC 1-1-5 Applicability of minimum specifications
- 575 IAC 1-2 Type I Vehicles
- 575 IAC 1-2.5 Type B School Bus
- 575 IAC 1-3 Type II Vehicles
- 575 IAC 1-4 Transit Vehicles
- 575 IAC 1-5 Vehicles for Transporting the Handicapped
 - 575 IAC 1-5.5-1 General requirements
 - 575 IAC 1-5.5-2 Aisles
 - 575 IAC 1-5.5-5 Power lift
 - 575 IAC 1-5.5-6 Regular service entrance door
 - 575 IAC 1-5.5-7 Special light
 - 575 IAC 1-5.5-8 Special service entrance
 - 575 IAC 1-5.5-9 Special service entrance door
 - 575 IAC 1-5.5-10 Panels
 - 575 IAC 1-5.5-11 Special requirements
- 575 IAC 1-7 Optional Equipment

LSA Document #01-165(F)

*Intent to Readopt Rules Published: June 1, 2001; 24 IR 2855
Proposed Readopted Rules Published: August 1, 2001; 24 IR 3790*

Hearing Held: September 5, 2001

Filed with Secretary of State: October 10, 2001, 3:37 p.m.

Readopted Rules

TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS

LSA Document #01-343(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

750 IAC 3

750 IAC 6

750 IAC 7

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

750 IAC 3 CREDIT UNIONS
750 IAC 6 INDUSTRIAL LOAN AND INVESTMENT
750 IAC 7 PAWNBROKING

LSA Document #01-343(F)

Intent to Readopt Rules Published: October 1, 2001; 25 IR 182
Filed with Secretary of State: November 5, 2001, 2:59 p.m.

TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD

LSA Document #01-156(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

839 IAC 1-1-1

839 IAC 1-4-4

839 IAC 1-1-3.6

839 IAC 1-4-7

839 IAC 1-1-3.7

839 IAC 1-5-4

839 IAC 1-1-3.8

839 IAC 1-5-5

839 IAC 1-2-3

839 IAC 1-6-4

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

839 IAC 1-1-1 Applicability
839 IAC 1-1-3.6 "LMFT" defined
839 IAC 1-1-3.7 "LMHC" defined
839 IAC 1-1-3.8 "LSW" defined
839 IAC 1-2-3 Verification; board authority
839 IAC 1-4-4 Standards for the competent practice of marriage and family therapy

839 IAC 1-4-7 Examination exemption for marriage and family therapists

839 IAC 1-5-4 Exemption from examination for mental health counselors

839 IAC 1-5-5 Standards for the competent practice of mental health counseling

839 IAC 1-6-4 Continuing education audit

LSA Document #01-156(F)

Intent to Readopt Rules Published: June 1, 2001; 24 IR 2856
Proposed Readopted Rules Published: September 1, 2001; 24 IR 4207

Hearing Held: October 22, 2001

Filed with Secretary of State: October 25, 2001, 4:20 p.m.

TITLE 848 INDIANA STATE BOARD OF NURSING

LSA Document #01-127(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

848 IAC 1-1-2.1

848 IAC 3-2-6

848 IAC 1-1-8

848 IAC 3-2-7

848 IAC 1-1-11

848 IAC 3-2-8

848 IAC 1-1-15

848 IAC 3-3

848 IAC 1-2

848 IAC 4-1-1

848 IAC 2-1

848 IAC 4-1-2

848 IAC 2-2

848 IAC 4-1-4

848 IAC 2-3

848 IAC 4-1-5

848 IAC 3-1

848 IAC 4-2

848 IAC 3-2-1

848 IAC 4-3

848 IAC 3-2-3

848 IAC 5-1

848 IAC 3-2-4

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

848 IAC 1-1-2.1 Definitions
848 IAC 1-1-8 Renewal of license
848 IAC 1-1-11 Name change
848 IAC 1-1-15 Temporary permits
848 IAC 1-2 Accreditation
848 IAC 2-1 Definitions
848 IAC 2-2 Registered Nursing
848 IAC 2-3 Licensed Practical Nursing
848 IAC 3-1 Definitions
848 IAC 3-2-1 Application for limited license; qualifications

Readopted Rules

- 848 IAC 3-2-3 Photograph submitted with application
- 848 IAC 3-2-4 Temporary permit not issued
- 848 IAC 3-2-6 Notice of renewal
- 848 IAC 3-2-7 Fee for renewal
- 848 IAC 3-2-8 Delinquent fee
- 848 IAC 3-3 Competent Practice of Nurse-Midwives
- 848 IAC 4-1-1 Applicability
- 848 IAC 4-1-2 "Board" defined
- 848 IAC 4-1-4 "Nurse practitioner" defined
- 848 IAC 4-1-5 "Clinical nurse specialist" defined
- 848 IAC 4-2 Competent Practice of Nurse Practitioners
- 848 IAC 4-3 Competent Practice of Clinical Nurse Specialists
- 848 IAC 5-1 Prescriptive Authority

LSA Document #01-127(F)

Intent to Readopt Rules Published: May 1, 2001; 24 IR 2567

Proposed Readopted Rules Published: July 1, 2001; 24 IR 3230

Hearing Held: August 16, 2001

Filed with Secretary of State: November 6, 2001, 4:18 p.m.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-149(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

856 IAC 2-3-9

SECTION 1. UNDER IC 4-22-2.5-3, 856 IAC 2-3-9 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

856 IAC 2-3-9 Registration fees

Authority: IC 25-26-13-4

Affected: IC 25-26-13-4

Sec. 9. (a) For each registration or reregistration to manufacture controlled substances, the registrant shall pay a fee of **twenty one hundred dollars (\$20)**. **A registrant under this subsection who fails to renew his registration on or before the expiration date and who later wishes to renew the registration shall pay a penalty fee of twenty dollars (\$20) plus all unpaid registration fees: (\$100).**

(b) For each registration **or reregistration** to distribute controlled substances, the registrant shall pay a fee of **twenty one hundred dollars (\$20)**. **A registrant under this subsection who fails to renew his registration on or before the expiration date and who later wishes to renew the registration shall pay a penalty fee of twenty dollars (\$20) plus all unpaid registration fees: (\$100).**

(c) For each registration or reregistration to dispense or to conduct research or instructional activities with controlled substances listed in 856 IAC 2-2-3 through 856 IAC 2-2-6, the registrant shall pay a fee of **twenty one hundred dollars (\$20)**. **A registrant under this subsection who fails to renew his registration on or before the expiration date and who later wishes to renew the registration shall pay a penalty fee of twenty dollars (\$20) plus all unpaid registration fees: (\$100).**

(d) For each registration or reregistration to conduct research or instructional activities with controlled substances listed in 856 IAC 2-2-2, the registrant shall pay a fee of **twenty one hundred dollars (\$20)**. **A registrant under this subsection who fails to renew his registration on or before the expiration date and who later wishes to renew the registration shall pay a penalty fee of twenty dollars (\$20) plus all unpaid registration fees: (\$100).**

(e) For each registration or reregistration to conduct chemical analysis with controlled substances listed in any schedule, the registrant shall pay a fee of **twenty one hundred dollars (\$20)**. **A registrant under this subsection who fails to renew his registration on or before the expiration date and who later wishes to renew the registration shall pay a penalty fee of twenty dollars (\$20) plus all unpaid registration fees: (\$100).**

(f) For each registration or reregistration for a practitioner seeking to prescribe, administer, or dispense controlled substances, the registrant shall pay a fee of sixty dollars (\$60). (*Indiana Board of Pharmacy; Reg 28, Ch III, Sec 3.21; filed Jul 9, 1974, 9:29 a.m.: Unpublished; filed Jul 8, 1981, 9:00 a.m.: 4 IR 1499; filed Jul 20, 1984, 10:00 a.m.: 7 IR 2379; filed Aug 21, 1986, 10:30 a.m.: 10 IR 63; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3106; readopted filed Oct 17, 2001, 3:25 p.m.: 25 IR 940*)

LSA Document #01-149(F)

Intent to Readopt Rules Published: June 1, 2001; 24 IR 2858

Proposed Readopted Rules Published: August 1, 2001; 24 IR 3813

Hearing Held: September 10, 2001

Approved by Attorney General: October 9, 2001

Approved by Governor: October 17, 2001

Filed with Secretary of State: October 17, 2001, 3:25 p.m.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-153(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

Readopted Rules

856 IAC 3-2-2

SECTION 1. UNDER IC 4-22-2.5-3, 856 IAC 3-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

856 IAC 3-2-2 Fees

Authority: IC 25-26-14-13

Affected: IC 25-26-14-14

Sec. 2. (a) The fee for original licensure **and biennial renewal** shall be ~~forty one hundred~~ **forty one hundred** dollars (~~(\$40)~~; **(\$100)** for **in-state applicants**. The late fee which shall apply in addition to the renewal fee when a license has lapsed more than thirty (~~30~~) days for **original licensure and biennial renewal** shall be ~~thirty one hundred~~ **thirty one hundred** dollars (~~(\$30)~~; **(\$100)** for **out-of-state applicants**.

(b) Licensure fees shall be paid at the time when the application for licensure or renewal of a license is filed. ~~In the event that the application is denied, the payment shall be refunded to the applicant.~~ (*Indiana Board of Pharmacy; 856 IAC 3-2-2; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2461; errata filed Aug 24, 1992, 9:00 a.m.: 16 IR 66; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3107; readopted filed Oct 17, 2001, 3:30 p.m.: 25 IR 941*)

LSA Document #01-153(F)

*Intent to Readopt Rules Published: June 1, 2001; 24 IR 2860
Proposed Readopted Rules Published: August 1, 2001; 24 IR 3813*

Hearing Held: September 10, 2001

Approved by Attorney General: October 9, 2001

Approved by Governor: October 17, 2001

Filed with Secretary of State: October 17, 2001, 3:30 p.m.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.

LSA Document #01-225(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

905 IAC 1-1	905 IAC 1-5.2-6
905 IAC 1-5.1	905 IAC 1-5.2-7
905 IAC 1-5.2-1	905 IAC 1-5.2-8
905 IAC 1-5.2-2	905 IAC 1-5.2-10
905 IAC 1-5.2-4	905 IAC 1-5.2-11
905 IAC 1-5.2-5	905 IAC 1-5.2-12

905 IAC 1-5.2-13	905 IAC 1-20
905 IAC 1-5.2-14	905 IAC 1-21
905 IAC 1-5.2-15	905 IAC 1-25
905 IAC 1-5.2-16	905 IAC 1-26
905 IAC 1-5.2-17	905 IAC 1-27-1
905 IAC 1-7.1	905 IAC 1-27-3
905 IAC 1-9-5	905 IAC 1-27-4
905 IAC 1-10	905 IAC 1-27-5
905 IAC 1-11.1-2	905 IAC 1-30
905 IAC 1-12.1-2	905 IAC 1-31
905 IAC 1-12.1-3	905 IAC 1-32.1
905 IAC 1-13	905 IAC 1-33.1
905 IAC 1-14	905 IAC 1-34-1
905 IAC 1-15.2	905 IAC 1-34-2
905 IAC 1-15.3	905 IAC 1-35
905 IAC 1-17-2	905 IAC 1-36
905 IAC 1-17-3	905 IAC 1-37
905 IAC 1-17-4	905 IAC 1-38
905 IAC 1-18	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

905 IAC 1-1	Definitions
905 IAC 1-5.1	Trade Practices; Prohibited Activity Between Primary Sources of Supply, Wholesalers, and Retailers
905 IAC 1-5.2-1	General
905 IAC 1-5.2-2	Record keeping requirements
905 IAC 1-5.2-4	Product displays
905 IAC 1-5.2-5	Advertising specialties
905 IAC 1-5.2-6	Alcoholic beverage lists
905 IAC 1-5.2-7	Consumer advertising specialties
905 IAC 1-5.2-8	Tapping accessories
905 IAC 1-5.2-10	Newspaper cuts
905 IAC 1-5.2-11	Combination packaging
905 IAC 1-5.2-12	Educational seminars
905 IAC 1-5.2-13	Contest promotions
905 IAC 1-5.2-14	Dispensing service
905 IAC 1-5.2-15	Product management
905 IAC 1-5.2-16	Participation in retailer or dealer association activities
905 IAC 1-5.2-17	Merchandise
905 IAC 1-7.1	Federal Tax Stamps
905 IAC 1-9-5	Penalties for violations
905 IAC 1-10	Retail Closing Hours
905 IAC 1-11.1-2	Qualification requirements
905 IAC 1-12.1-2	Record of employee permits; employer responsibility for records and permits
905 IAC 1-12.1-3	Compliance with health requirements required
905 IAC 1-13	Clubs
905 IAC 1-14	Local Board Member Removal Procedure
905 IAC 1-15.2	Minors
905 IAC 1-15.3	Minors as Employees

Readopted Rules

- 905 IAC 1-17-2 Quota rule
- 905 IAC 1-17-3 Residential rule
- 905 IAC 1-17-4 Clearance required; restrictions
- 905 IAC 1-18 New Permits in a Residential District
- 905 IAC 1-20 Food Requirements
- 905 IAC 1-21 Credit Sales by Spirituous and Vinous Wholesale Permittees
- 905 IAC 1-25 Sale and Handling of Alcoholic Beverages within Bowling Alleys
- 905 IAC 1-26 Permit Renewal; Letter of Extension
- 905 IAC 1-27-1 Determination of qualifications of permittee
- 905 IAC 1-27-3 Powers of commission with respect to violations
- 905 IAC 1-27-4 Location; effect upon granting a new permit or upon application for transfer of location of an existing permit
- 905 IAC 1-27-5 Evaluation standards
- 905 IAC 1-30 Deposit of Retailer or Dealer Permit in Commission Escrow
- 905 IAC 1-31 Wholesale Pricing Practices
- 905 IAC 1-32.1 Group Purchasing Agreements
- 905 IAC 1-33.1 Permit Auction
- 905 IAC 1-34-1 Work location
- 905 IAC 1-34-2 Requirements
- 905 IAC 1-35 Sports Arenas
- 905 IAC 1-36 Procedure after Local Board Investigation and Recommendation
- 905 IAC 1-37 Permit Violation Procedures
- 905 IAC 1-38 Prohibited Advertising

LSA Document #01-225(F)

Intent to Readopt Rules Published: July 1, 2001; 24 IR 3207

Proposed Readopted Rules Published: August 1, 2001; 24 IR 3815

Hearing Held: August 28, 2001

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TITLE 910 CIVIL RIGHTS COMMISSION

LSA Document #01-138(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

910 IAC 1

910 IAC 2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

910 IAC 1 PRACTICE AND PROCEDURE BEFORE THE COMMISSION

910 IAC 2 FAIR HOUSING COMPLAINTS

LSA Document #01-138(F)

Intent to Readopt Rules Published: June 1, 2001; 24 IR 2567

Proposed Readopted Rules Published: August 1, 2001; 24 IR 3821

Hearing Held: September 28, 2001

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