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## TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #05-237(F)

### DIGEST

Adds 140 IAC 7-4 to establish standards for operator's licenses under IC 9-24-9 and identification cards for nondrivers under IC 9-24-16. Effective 30 days after filing with the Secretary of State.

#### 140 IAC 7-4

SECTION 1. 140 IAC 7-4 IS ADDED TO READ AS FOLLOWS:

##### **Rule 4. Identity Documents Required**

#### **140 IAC 7-4-1 Definitions**

**Authority:** IC 9-14-2-2

**Affected:** IC 9-24-9; IC 9-24-16

**Sec. 1. (a)** The words and phrases used in this rule shall have the meaning given to them in this section unless the context clearly indicates a different meaning.

**(b)** "Amend" means adding, removing, or changing the name, address, weight, height, hair color, eye color, sex, date of birth, driver's license number, or Social Security number on file with the bureau.

**(c)** "Bureau" means the bureau of motor vehicles. Although the bureau of motor vehicles commission is a separate legal entity, for purposes of this rule, it and its branches are incorporated in the definition of bureau.

**(d)** "Commissioner" means the commissioner of the bureau of motor vehicles of the state of Indiana.

**(e)** "Primary document" means a document identified as such by sections [section] 3(b) and 3(c) of this rule.

**(f)** "Proof of residency document" means documents identified as such by section 3(e) of this rule.

**(g)** "Resident" means a person who is presently domiciled in Indiana with intent to reside in this state permanently.

**(h)** "Secondary document" means a document identified as such by section 3(d) of this rule.

**(i)** "State" means any of the United States of America, including the District of Columbia and the commonwealths, possessions, and states in free association with the United States.

**(j)** "Social Security number document" means documents identified as such by section 3(f) of this rule.

**(k)** "Valid" means not expired and authentic. (*Bureau of Motor Vehicles; 140 IAC 7-4-1; filed Jan 3, 2006, 4:30 p.m.: 29 IR 1534*)

#### **140 IAC 7-4-2 License, permit, and identification card qualifications**

**Authority:** IC 9-14-2-2

**Affected:** IC 9-24-9; IC 9-24-16

**Sec. 2. (a)** The bureau shall require documentation as part of the application for:

- (1) driver's license;
- (2) learner/driver education permit; and
- (3) identification card.

(b) To receive a first time Indiana driver's license or driver education/learner permit, an applicant is be *[sic.]* required to present:

- (1) one (1) primary document, one (1) secondary document, one (1) proof of residency document, and one (1) Social Security number document; or
- (2) two (2) primary documents, one (1) proof of residency documents *[sic.]*, and one (1) Social Security number document.

(c) To receive a first time Indiana identification card, an applicant is required to present:

- (1) one (1) primary document, one (1) secondary document, and one (1) proof of residency document; or
- (2) two (2) primary documents and one (1) proof of residency document.

(d) To receive a duplicate Indiana driver's license or learner/driver education permit, an applicant is required to present one (1) primary document, one (1) secondary document, verification of the applicant's Social Security number on the bureau's record, and, if the applicant's address has changed since the license or permit was first issued or last renewed, one (1) proof of residency document.

(e) To amend an Indiana driver's license, learner/driver education permit, or identification card, an applicant is required to provide the license, learner/driver education permit, or identification card to be amended and acceptable documentation to support the changes to be made on the license, permit, or identification card. If an applicant cannot present the driver's license, learner/driver education permit, or identification card to be amended, the applicant must present the documentation required to obtain a duplicate license, permit, or identification card.

(f) To renew an Indiana driver's license, learner/driver education permit, or identification card, an applicant must surrender the current Indiana driver's license, learner/driver education permit, or identification card to be renewed and present a Social Security number document that matches the applicant's Social Security number on the bureau's record.

(1) If the applicant does not possess a current Indiana driver's license, permit, or identification card, he or she is required to present documentation as a first time applicant.

(2) When renewing an Indiana driver's license or learner/driver education permit, an identification card is only considered secondary documentation.

(3) An applicant presenting an Indiana driver's license, learner/driver education permit, or identification card that has been expired more than ten (10) years must present documentation as if applying for a first time license, permit, or identification card.

*(Bureau of Motor Vehicles; 140 IAC 7-4-2; filed Jan 3, 2006, 4:30 p.m.: 29 IR 1534)*

#### **140 IAC 7-4-3 Bureau of motor vehicles documentation list**

**Authority:** IC 9-14-2-2

**Affected:** IC 9-24-9-2; IC 9-24-16

**Sec. 3. (a)** As provided by 140 IAC 7-4-2 *[section 2 of this rule]*, the bureau shall require the documents listed in subsections (b) through (e) as part of the application for an Indiana driver's license, learner/driver education permit, and identification card. Only original documents or certified facsimiles from the issuing agency will be accepted. The bureau reserves the right to refuse any identification presented that appears fraudulent or unreliable. Altered and expired documents will not be accepted. Documents presented to the bureau for identification purposes will be kept confidential. All documents must contain the applicant's name and must be in the English language or be presented with an English translation of the document. The commissioner or the commissioner's designee may accept reasonable alternate documents to satisfy the requirements of this rule and IC 9.

(b) Primary documents-acceptable United States documents are as follows:

(1) United States birth certificate with authenticating stamp or seal containing the applicant's date of birth, place of birth, and parent's names, issued by:

(A) county department or county board of health from the applicant's state of birth;

(B) a state department or state board of health from the applicant's state of birth; or

- (C) a verified delayed birth certificate.
- (2) Certificate of naturalization/citizenship.
- (3) Certification of report of birth (form DS-1350 issued by the United States Department of State).
- (4) U.S. consular report of birth (form FS-240 issued by the United States Department of State).
- (5) Birth certificates issued by United States territories, including American Samoa, Guam, Puerto Rico, and Virgin Islands.
- (6) U.S. military or merchant marine identification card with photo.
- (7) U.S. passport.
- (8) U.S. veterans universal access identification card with photo.
- (9) Indiana driver's license or learner/driver education permit.

(c) Primary documents-acceptable immigration documents are as follows:

- (1) Valid foreign passport with photo with a visa that includes a valid form I-94 indicating the authorized duration of stay in the United States.
- (2) Valid foreign passport with a current visa that states "Upon Endorsement serves as Temporary I-551 evidencing Permanent Residence for 1-year" issued by the United States Department of Homeland Security.
  - (A) Canadian passports are not required to have a visa or a form I-94.
  - (B) Applicants from the Federated States of Micronesia, Palau, and the Republic of the Marshall Islands are not required to present a visa but must submit a form I-94.
  - (C) Passports with I-94 (issued by the United States Customs and Border Control or United States Citizenship and Immigration Services) indicating F-1/F-2 status must present a valid form I-20 ("Certificate of Eligibility" issued by the United States Immigration and Customs Enforcement). For these applicants, the form I-20 serves as a secondary document.
  - (D) Passports with I-94 indicating J-1/J-2 status must be submitted with a valid form DS-2019 ("Certificate of Eligibility" issued by the United States Department of State). For these applicants, the form DS-2019 serves as a secondary document.
- (3) Authorization for parole of an alien into the United States (form I-512 issued by United States Citizenship and Immigration Services).
- (4) Employment authorization card (I-688B issued by United States Immigration and Naturalization Services).
- (5) Employment authorization card (I-766 issued by United States Immigration and Naturalization Services).
- (6) Form I-94 stamped with "Section 207" refugee status.
- (7) Form I-94 stamped with "Section 208" asylum status.
- (8) Permanent resident card (I-551).
- (9) Temporary I-551 stamp on a passport.
- (10) Temporary resident card (I-688 issued by United States Immigration and Naturalization Services).
- (11) Travel document (I-131 issued by United States Immigration and Naturalization Services).
- (12) An I-797 "Notice of Action" (issued by United States Citizenship and Immigration Services) indicating an applicant's approval may be used to extend the validity of an original primary document.

(d) Secondary documents-acceptable documents are as follows:

- (1) Certified academic transcripts from schools in the United States or its territories.
- (2) School report cards from schools in the United States or its territories dated within twelve (12) months of application.
- (3) School identification card with photo or yearbook photo from schools in the United States and/or its territories dated within three (3) years of application.
- (4) An identification card with photo issued by a foreign consulate.
- (5) An identification card with photo issued by the federal government.
- (6) An Indiana identification card.
- (7) Driver's license, identification card, or permit with photo issued by another state.
- (8) Original driving record from another state.
- (9) Valid form I-20 with a valid form I-94 and an F-1/F-2 status in passport.
- (10) Valid form DS-2019 (issued by the United States Department of State) with a valid form I-94 and a J-1/J-2 status in passport.
- (11) Indiana county presentence investigation report with clerk stamp or seal.
- (12) Indiana gun permit.
- (13) Indiana probation identification card with photo, name, and date of birth.
- (14) Letter from probation officer, caseworker, or social worker on official letterhead, certified with stamp or seal, with

the applicant's name and signature of the probation officer, caseworker, or social worker.

(15) Prison release documentation.

(16) U.S. district court presentence investigation report with stamp or seal.

(17) Valid banking card or MasterCard, Visa, American Express, or Discover card issued in the name of the applicant with his or her signature.

(18) Bank statement issued within sixty (60) days of application.

(19) Form W-2 (federal or state) or Form 1099 with the applicant's name and address.

(20) Computer-generated paycheck stub with applicant's name and address.

(21) Valid employee identification card with photo.

(22) Valid Indiana professional license.

(23) Valid insurance card.

(24) Medicare or Medicaid card.

(25) U.S. military discharge or DD214 separation papers.

(26) U.S. Uniformed Services Card.

(27) Divorce decree certified by court of law with stamp or seal.

(28) Application of marriage or record of marriage that is certified with stamp or seal.

(29) Applicants under eighteen (18) years of age making application for an Indiana identification card may present acceptable Social Security documentation as a secondary document.

(e) Any document from the list in the primary or secondary group, or any of the documents listed below, may be used as proof of Indiana residency as long as the document contains the applicant's name and current residential address. A post office box is not an acceptable residential address.

(1) Child support check stub from the Indiana family and social services administration with name and address of the applicant.

(2) Change of address confirmation (form CNL107) from the U.S. Postal Service listing the applicant's old and new address.

(3) Bill or benefit statement issued within sixty (60) days of application.

(4) Indiana driver's license, identification card, or permit with photo.

(5) Survey of the applicant's Indiana property produced by a licensed surveyor.

(6) Affidavit of Indiana residency.

(7) Voter registration card.

(8) Valid Indiana vehicle or watercraft title or registration.

(f) Under IC 9-24-9-2, each application for a license or permit must require a Social Security number. Acceptable documents to verify an applicant's Social Security number are the following:

(1) Social Security card.

(2) Social Security card bearing the legend "Valid for Work Only with DHS Authorization".

(3) Social Security card bearing the legend "Not Valid for Employment".

(4) Letter verifying the applicant's Social Security number issued in the applicant's name and signed and stamped by the Social Security Administration.

(5) Numident report stamped and issued in the applicant's name by the Social Security Administration.

*(Bureau of Motor Vehicles; 140 IAC 7-4-3; filed Jan 3, 2006, 4:30 p.m.: 29 IR 1535)*

*LSA Document #05-237(F)*

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