



# STATE OF INDIANA

Michael R. Pence, Governor

Donald M. Snemis, Commissioner  
Bureau of Motor Vehicles  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
888-692-6841

June 25, 2014



Re: DLN: [REDACTED]; HTV review for material error

Dear Mr. [REDACTED]:

The Indiana Bureau of Motor Vehicles ("BMV") received a request for review for material error from your attorney, [REDACTED], related to the BMV's determination that you are a habitual traffic violator ("HTV") and must serve a ten (10) year driving privilege suspension (suspension ID 12). Following the receipt of the request, a review of the BMV's records was conducted pursuant to Ind. Code § 9-30-10-6 to determine whether a material error currently exists. Upon a review of the BMV's records, the BMV finds no material error with respect to the determination that you qualify as an HTV and must serve a ten (10) year suspension (suspension ID 12).

You are an HTV, as defined by Ind. Code § 9-30-10-4(b). Ind. Code § 9-30-10-4(b) provides that a person who has accumulated at least three (3) judgments for any violation listed in Ind. Code § 9-30-10-4(a) or (b) within a ten (10) year period, is an HTV. Ind. Code § 9-30-10-4(e) provides that offense date must be used to determine the number of judgments accumulated within a ten (10) year period. According to the BMV's records, you have accumulated judgments for violations enumerated in Ind. Code § 9-30-10-4(b). Three (3) of these violations were committed within a ten (10) year period. The violations include the following:

- Reckless driving on 08/02/2002
- Operating while intoxicated ("OVWI") per se with an alcohol concentration of .08 or above on 11/11/2003
- OVWI per se with an alcohol concentration of .08 or above on 06/23/2012

According to BMV records, you were not convicted of the last qualifying violation until May 15, 2014. On or about May 21, 2014, the BMV made its determination that you are an HTV, and a



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notice of suspension was mailed to you. The BMV based its determination on the version of Ind. Code § 9-30-10-4 in effect on May 21, 2014.

There is no requirement in Ind. Code § 9-30-10-1 *et. seq.* that one of the qualifying violations occur on or after July 1, 2012 in order to apply the current version of the statute to HTV determinations. All of your qualifying violations were committed after April 1, 1984, the enactment date of Ind. Code § 9-30-10. In addition, operating a vehicle while intoxicated and reckless driving were HTV qualifying violations before the July 1, 2012 amendment to Ind. Code § 9-30-10-4.

Ind. Code § 9-30-10-5(b)(3) provides that if an individual is an HTV under Indiana Code § 9-30-10-4(b), the BMV must suspend that individual's driving privileges for a period of ten (10) years. Because you are an HTV, as defined by Ind. Code § 9-30-10-4(b), the BMV was required to impose a ten (10) year suspension. Therefore, suspension ID 12 will remain on your driver record. Ind. Code § 9-30-10-6(d) provides that you may file a petition for judicial review of the BMV's action in the circuit, superior, county, or municipal court in the county in which you reside as set out in Ind. Code § 9-30-10-7.

Sincerely,

Patrick Price  
General Counsel  
Indiana Bureau of Motor Vehicles

cc: Credential Management Department