

**BMV “Cheat Sheet” for
Rescission of Order Suspending Driving Privileges for Life & Reinstatement for Habitual
Traffic Violators under 9-30-10-14 & -15**

1) Ineligible for Rescission

- a) A person convicted of an offense listed in 9-30-10-4(a).
- b) A person convicted of an offense under 9-30-10-17.
- c) A person convicted of an offense under 9-30-10-16 more than 1 time.

2) Eligible for Rescission

- a) Under 9-30-10-14(a)
 - i) The person is not ineligible for any reason above; and
 - ii) 10 years have elapsed since date on which the order for the lifetime suspension was issued.
- b) Under 9-30-10-14(e)
 - i) The person is not ineligible for any reason above;
 - ii) 3 years have elapsed since date on which the order for lifetime suspension was issued;
 - iii) The person’s lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license;
 - iv) The person has never been convicted of a violation described in 9-30-10-4(b), except for a judgment or conviction under section 9-30-10-4(b)(5); and
 - v) The court makes a written finding that the conditions under 9-20-10-15(e) are satisfied.
- c) The court must make the following written findings when ordering rescission under either 9-30-10-14(e) or 9-30-10-14(a) (9-30-10-15(b)):
 - i) That the petitioner has never been convicted of a violation described in 9-30-10-4(a);
 - ii) That the petitioner has never been convicted of an offense under 9-30-10-17;
 - iii) That the petitioner has not been convicted of an offense under 9-30-10-16 more than 1 time;
 - iv) That there has been a substantial change in the petitioner’s circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner’s driving privileges were reinstated;
 - v) That there has been a substantial change in the petitioner’s circumstances indicating that the suspension of the petitioner’s driving privileges for life has become unreasonable; and
 - vi) That it is in the best interest of society for the petitioner’s driving privileges to be reinstated.

3) Types of Driving privileges (9-30-10-15(d) & (e))

- a) The Court may require the BMV to issue: (9-30-10-15(d))
 - i) Driving privileges under section 13(b); or
 - ii) Restricted driving privileges, subject to the following:
 - (1) Must include 1 or more of the following conditions if the person is HTV under 14(a)(4) – 14(a)(7) or 4(b)(1) – 4(b)(4):
 - (a) Specified hours during which the person may drive;
 - (b) Prohibit person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least 0.02 of alcohol per:

- (i) 100 milliliters of the person's blood; or
 - (ii) 210 liters of the person's breath;
 - (iii) Or while intoxicated (as defined under 9-13-2-86); or
 - (c) Person must submit to a method to monitor compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least 0.02 of alcohol per:
 - (i) 100 milliliters of the person's blood; or
 - (ii) 210 liters of the person's breath;
 - (iii) Or while intoxicated (as defined under 9-13-2-86).
 - (d) The Court shall determine the appropriate monitoring method, which may include one of the following:
 - (i) Ignition interlock device;
 - (ii) Must submit to chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test;
 - (iii) Wear a device that detects and records the person's use of alcohol; or
 - (iv) Submit to any other reasonable monitoring requirement
- b) If restricted driving privileges are ordered under 9-30-10-15(d), the court shall specify the conditions under which the person may be issued driving privileges under section 13(b). (9-30-10-15(e))
- c) After expiration of the date of the restricted license and upon:
 - i) Fulfillment of the conditions specified by the court; and
 - ii) Expiration of the restricted license issued under (d)(2); the bureau shall issue a license to operate a motor vehicle under section 13(b).
- 4) If driving privileges granted under 9-30-10-15(d)(1), or the period of restricted driving privileges granted pursuant to 9-30-10-15(d)(2) expires, the BMV may issue a license if the following requirements are met (9-30-10-13(b)):
 - a) The BMV received an order for rescission of the lifetime suspension and reinstatement under 9-30-10-15;
 - b) The person is not otherwise ineligible for any reason above;
 - c) The person has met all requirements of all applicable statutes and rules relating to licensing;
 - d) The person files and maintains with the BMV proof of future financial responsibility (Form SR22) for 3 years after rescission of the suspension; and
 - e) If the person has a prior conviction for an OVWI-related offense, the person applies for a credential with a restriction indicating that they are prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration of 0.02 gram of alcohol per 100 milliliters of blood or 210 liters of breath for 3 years, and sign an affidavit during application agreeing to submit to a chemical test at any time for 3 years if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and requests that the person submit to a chemical test.