

State of Indiana
Bureau of Motor Vehicles

In the Matter of [REDACTED]

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Case No. 15-IL-063


DLN: [REDACTED]

FINAL ORDER

1. This matter comes before me as a result of a hearing request filed by Petitioner [REDACTED] ([REDACTED]) by mail on July 23, 2015 seeking administrative review of a decision by the Indiana Bureau of Motor Vehicles ("BMV"). The BMV denied [REDACTED] the issuance of an Indiana driver's license due to an outstanding revocation in the state of Illinois.
2. This matter was referred to Administrative Law Judge ("ALJ") Steven Sams, Esq., per Indiana Code § 4-21.5-3-27(a) for review and issuance of a Recommended Order. An administrative hearing was held on September 30, 2015 and a Recommended Order was issued on September 21, 2015. Subsequently, an Amended Recommended Order was issued on October 5, 2015. The Recommended Order held that the denial of the driver's license issuance was proper in light of the Illinois revocation.
3. On October 21, 2015, the BMV received a request for reconsideration from [REDACTED] via mail. [REDACTED] objected to the Recommended Order on the basis that her revocation is over fourteen (14) years old.
4. Upon review of the driving record, it appears that [REDACTED] has one (1) outstanding revocation in Illinois.
5. Notice is taken of "BMV's Opposition to Petitioner's Request for Reconsideration." BMV opposes [REDACTED]'s objection to the Recommended Order on the basis of [REDACTED]'s reckless driving conviction under Cause No. 45H05-1407-CM-0763. However, this citation occurred almost 18 months ago. [REDACTED]'s Indiana driving record otherwise only includes a single parking violation.
6. Article 5 of the Driver's License Compact codified at Indiana Code § 9-28-1-3 permits the BMV to grant a license to an individual with outstanding revocations in another state "after the expiration of one (1) year from the date the license was revoked." Fourteen (14) years have passed since [REDACTED]'s revocation.
7. Therefore, per my authority under Indiana Code § 4-21.5-3-29(b), I am MODIFYING the Recommended Order. The BMV properly denied issuance of a driver's license to [REDACTED] due to the Illinois revocation. However, in light of the circumstances, the agency shall exercise its discretionary authority to issue [REDACTED] a license pursuant to Ind. Code § 9-28-1-3. This license issuance will not impact the outstanding Illinois revocation, and should [REDACTED] fail to address that revocation, she will be unable to renew her Indiana driver's license upon its expiration. [REDACTED] should visit a BMV license branch to obtain the license.

SO ORDERED.

12/14/15
Date



Kent W. Abernathy, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this Order shall be provided to:



Indiana Bureau of Motor Vehicles