

STATE OF INDIANA  
BUREAU OF MOTOR VEHICLES

---

IN THE MATTER OF:                     )                     Case No. 17-IL-022  
██████████████████████████████                     )  
██████████████████████████████                     )

---

FINAL ORDER

1. On March 31, 2017, Petitioner ████████████████████ (“Petitioner”) requested administrative review of the Indiana Bureau of Motor Vehicles’ (“BMV”) denial of a credential issuance.
2. The matter was referred to Administrative Law Judge (“ALJ”) Steven Sams for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on May 17, 2017. The BMV was represented by BMV Deputy General Counsel Lori Schein.
3. The hearing was recorded. Witnesses were sworn. The BMV proffered testimony and offered three exhibits into evidence. Petitioner testified on her own behalf.
  - a. Petitioner was denied an Indiana credential after the BMV search of the National Driver Register revealed that the Petitioner has two (2) unresolved suspensions from Louisiana, one of which is indefinite. The effective dates of the suspensions are August 14, 2014 and October 2, 2013 and relate to a “Refused to Submit to Test for Alcohol” and a “Non-ACD Violation.”
  - b. Petitioner’s Certified Driver’s Record was admitted into evidence without objection.
  - c. Petitioner’s written statement was admitted into evidence without objection.
  - d. Petitioner testified she was unemployed and she could not afford the fees incurred for not returning the plate on a junked car.
4. On May 30, 2017 ALJ Sams issued a written Recommended Order that affirmed BMV’s action of denying Petitioner’s request for a credential.
5. By letter received June 7, 2017, Petitioner requested a reconsideration of the Recommended Order. Petitioner disputed the fees imposed by Louisiana and believes she has completed all of the necessary legal requirements related to the underlying suspensions.
6. Pursuant to Indiana Code § 9-28-1-3, Indiana adopts and enters into the Driver License Compact (“Compact”). Article 1 of the Compact states that it is the policy of each party state to promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the

jurisdictions where such operators drive motor vehicles by considering compliance with the Compact a condition precedent to the continuance or issuance of any license.

7. Article 5 of the Compact provides that a party state shall not issue a license to an applicant who holds or has ever held a license to drive issued by any other party state if (1) such license has been suspended by reason of a violation and if such a suspension period has not been terminated; or (2) such license has been revoked by reason of a violation and such revocation has not terminated, except after one (1) year from the date of revocation, the person may make application for a new license if permitted by law.
8. Upon review of evidence and testimony received during the May 17, 2017 hearing, Petitioner has two outstanding suspensions in Louisiana. As a result, the decision by the BMV to deny the Petitioner's request for an Indiana credential complied with the Compact.
9. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's May 30, 2017 Recommended Order.
10. Petitioner is hereby notified that this is a Final Order. Petitioner may seek judicial review of this Final Order pursuant to I.C. 4-21.5-5.

SO ORDERED.

11 July 2017

Date

Peter L. Lacy

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:



Indiana Bureau of Motor Vehicles