

STATE OF INDIANA
BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:) Case No. 17-IL-086
[REDACTED])
DLN: [REDACTED])

FINAL ORDER

1. On November 30, 2017, [REDACTED] (“Petitioner”) requested administrative review of the Indiana Bureau of Motor Vehicles’ (“BMV”) decision to deny his request for a credential.
2. The matter was referred to Administrative Law Judge Steven Sams (“ALJ”) for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on February 7, 2018. The BMV was represented by Attorney Natalie Huffman.
3. The hearing was recorded. Petitioner appeared in person, *pro se*, and was sworn. The BMV and Petitioner proffered testimony and offered exhibits into evidence.
 - a. Petitioner was denied an Indiana credential after the BMV search of the National Driver Register revealed that Petitioner has two (2) unresolved suspensions in the State of Illinois, with effective dates of June 21, 1994 and May 23, 2004, in regards to “Administrative Per Se for .10 BAC” and “Administrative Per Se for .08 BAC.”
 - b. Petitioner has six (6) unresolved revocations from Illinois and four (4) unresolved revocations from Wisconsin.
 - c. Petitioner’s Certified Driver’s Record was admitted into evidence without objection.
 - d. Petitioner testified he had had made positive changes to his life and behavior.
4. On February 22, 2018, the ALJ issued a written Recommended Order that affirmed BMV’s action of denying Petitioner’s request for a credential.
5. On March 8, 2018, Petitioner requested a reconsideration of the Recommended Order.
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suspended by reason of a violation and if such a suspension period has not been terminated; or (2) such license has been revoked by reason of a violation and such revocation has not terminated, except after one (1) year from the date of revocation, the person may make application for a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.

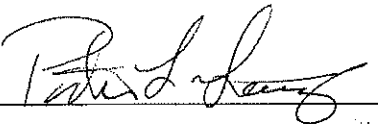
8. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's February 22, 2018 Recommended Order. Petitioner has two (2) unresolved suspensions and ten (10) unresolved revocations on his driving record. Even if the BMV was willing to waive the revocations, by law Indiana is prohibited from issuing Petitioner a driving credential when his driving privileges are suspended in another state.

9. 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.

30 April 2018

Date



Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles