

TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule LSA Document #09-169

DIGEST

Amends 140 IAC 2-5-4, regarding revoking a previously issued personalized license plate, in accordance with IC 9-18-15-4 and IC 9-18-15-14. Amends 140 IAC 4-4-2, definition for state driver examiner, in accordance with IC 9-24-10-4. Amends 140 IAC 6-1-2, regarding the application for title, in accordance with IC 9-17-2. Amends 140 IAC 7-1.1-1, regarding definitions for driver's licenses and credentials, in accordance with IC 9-24. Adds 140 IAC 7-1.1-3, regarding documentation accepted as part of the application for an initial, renewed, duplicate, or amended Indiana driver's license and identification card, in accordance with IC 9-24-9 and IC 9-24-16. Amends 140 IAC 7-1.2-1, regarding issuance of interim permits, in accordance with IC 9-24-11-2 and IC 9-24-12-6. Repeals 140 IAC 2-5-2, 140 IAC 7-1.1-2, 140 IAC 7-4-3, and 140 IAC 9-1-18. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

140 IAC 2-5-2; 140 IAC 2-5-4; 140 IAC 4-4-2; 140 IAC 6-1-2; 140 IAC 7-1.1-1; 140 IAC 7-1.1-2; 140 IAC 7-1.1-3; 140 IAC 7-1.2-1; 140 IAC 7-4-3; 140 IAC 9-1-18

SECTION 1. 140 IAC 2-5-4 IS AMENDED TO READ AS FOLLOWS:

140 IAC 2-5-4 Revocation of personalized license plate

Authority: IC 9-14-2-2; IC 9-18-15-14

Affected: IC 4-21.5-3-1; IC 9-18

Sec. 4. (a) The bureau may revoke a previously issued PLP if the bureau:

- (1) receives a substantial number of complaints regarding the previously issued PLP; and ~~the bureau~~
- (2) determines the previously issued PLP contains ~~the prohibited~~ references or expressions ~~in section 2 of this rule.~~ **that Indiana law prohibits.**

(b) The bureau shall notify a person of the bureau's revoking a previously issued PLP under IC 4-21.5-3-1.

(c) A person shall return the revoked PLP to the bureau within thirty (30) days of the date of the notice sent under subsection (b) unless the person timely requests a petition for an administrative review of the bureau's revocation decision. (*Bureau of Motor Vehicles; 140 IAC 2-5-4; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

SECTION 2. 140 IAC 4-4-2 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-2 Definitions

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-13-2; IC 9-18-2; IC 9-24-7; IC 9-24-10-4; IC 9-27-4-3

Sec. 2. (a) The definitions in this section apply throughout this rule and 140 IAC 4-5.

(b) "Actively enrolled in a driver education class" means a student attending either the:

- (1) classroom; ~~instruction phase or the~~
- (2) behind-the-wheel;

instruction phase of a driver education class.

(c) "Approved driver education course" has the meaning set forth in IC 9-13-2-4.

(d) "Behind-the-wheel instruction" means that phase of a driver education class that gives a student instruction in a motor vehicle during which the student drives the motor vehicle.

(e) "Bureau" has the meaning set forth in IC 9-13-2-16.

(f) "Certified driver education form" means the bureau-prescribed form given to an applicant by a commercial driver training school or a high school driver education program for participation in a driver education class that shall be presented to the bureau when the applicant applies for a learner's permit.

(g) "Classroom instruction" means that phase of a driver education class that a driver instructor must conduct in person, in a classroom setting, instructing students on the laws and procedures regarding the proper operation of a motor vehicle.

(h) "Commercial driver training school" has the meaning set forth in IC 9-13-2-28.

(i) "Commission" has the meaning set forth in IC 9-13-2-32.

(j) "Commissioner" has the meaning set forth in IC 9-13-2-33.

(k) "Driver" has the meaning set forth in IC 9-13-2-47.

~~(l) "Drive test" means the bureau approved standardized driving skills examination given by either:~~

~~(1) a driver instructor for the purpose of determining whether a student has sufficient physical and mental ability to properly operate a motor vehicle to qualify for a driver's license and the granting of a waiver; or~~

~~(2) a state driver examiner for determining whether a student has sufficient physical and mental ability to operate a motor vehicle properly to qualify for a driver's license.~~

~~(m) "Drive test score sheet" means a bureau approved standardized form that a driver instructor uses to evaluate and score each student's drive test.~~

~~(n) (l) "Driver education class" means an approved driver education course, and a class administered by a commercial driver training school:~~

~~(1) for the purpose of instructing and training individuals to properly operate or drive motor vehicles; or~~

~~(2) to prepare an applicant for an examination or validation given by the bureau for a driver's license.~~

~~(o) (m) "Driver education school" means a:~~

~~(1) commercial driver training school; or a~~

~~(2) high school driver education program.~~

~~(p) (n) "Driver instructor" has the meaning set forth in IC 9-27-4-3 and IC 9-13-2-81.~~

~~(q) "Drive test" means the bureau approved standardized driving skills examination given by either a:~~

~~(1) driver instructor for the purpose of determining whether a student has sufficient physical and mental ability to properly operate a motor vehicle to qualify for a driver's license and the granting of a waiver; or~~

~~(2) state driver examiner for determining whether a student has sufficient physical and mental ability to operate a motor vehicle properly to qualify for a driver's license.~~

~~(r) "Drive test score sheet" means a bureau approved standardized form that a driver instructor uses to evaluate and score each student's drive test.~~

~~(s) "High school driver education program" means a public, private, or parochial school:~~

~~(1) participating with the bureau; and~~

~~(2) providing an approved driver education course.~~

(r) "Learner's permit" has the meaning set forth in IC 9-24-7.

(s) "Numbered stamp" means the stamp that the bureau issued and assigned to a commercial driver training school or high school driver education program participating in the waiver program.

(t) "State driver examiner" means a commission ~~employee~~ **designated person** whose duties include the administration of driving skills tests at ~~license branches.~~ **on the commission's behalf.**

(u) "Student" means a person who:

- (1) holds a learner's permit; and
- (2) is actively enrolled in a driver education class.

(v) "Waiver" has the meaning set forth in IC 9-24-10-4(c).

(w) "Waiver program" means the program established by the bureau creating a standardized driving skills test procedure that participating schools must follow in order to grant a waiver to a qualified student. (*Bureau of Motor Vehicles; 140 IAC 4-4-2; filed Nov 12, 1998, 3:00 p.m.: 22 IR 970; errata filed Jul 6, 1999, 11:38 a.m.: 22 IR 3419; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

SECTION 3. 140 IAC 6-1-2 IS AMENDED TO READ AS FOLLOWS:

140 IAC 6-1-2 Application for title; contents

Authority: IC 4-1-8-1; IC 9-14-2-2; IC 9-17-2-8; IC 9-17-2-10

Affected: IC 6-2.5; IC 9-17-2; IC 9-18; IC 9-23; IC 9-24-9-2.5; IC 9-24-16-3.5

Sec. 2. (a) In addition to the requirements in IC 9-17-2, an application for a certificate of title shall contain the following:

(1) The name, residence, mailing address, and SSN or FEIN for the person in whose name the vehicle is titled. An applicant's information and SSN presented to the bureau must match the information that the Social Security Administration has in its records for the SSN. An applicant who is not a United States citizen must ~~present sufficient evidence show proof of continued current~~ **present sufficient evidence show proof of continued current** lawful status in the United States ~~The presented information must match the information that the United States Citizenship and Immigration Services or the United States Department of Homeland Security, or both, have in their records for the person. The bureau will verify that the applicant's information matches the information that any or all of the following have in their records: by presenting sufficient evidence showing the applicant meets the requirements of:~~

~~(A) The Social Security Administration.~~

~~(B) United States Citizenship and Immigration Services.~~

~~(C) The Department of Homeland Security.~~

(A) IC 9-24-9-2.5 for a driver's license; or

(B) IC 9-24-16-3.5(1) for an identification card.

(2) The vehicle's description shall include the vehicle's:

(A) make;

(B) model;

(C) model number;

(D) manufacture year; and

(E) VIN or special identification number.

(3) The former title number, if any.

(4) The purchase or acquisition date.

(b) An individual must apply for an Indiana title before obtaining registration plates; however, registration plates need not be purchased at the time application for title is made.

(c) Accompanying the application for certificate of title shall be an affidavit of the seller or transferor certifying that the Indiana sales or use tax has been paid to the seller or transferor. If the affidavit is not presented to the license branch, the branch shall collect the sales or use tax on the vehicle.

(d) If the owner assembled or rebuilt the vehicle, then the owner must have a police officer's inspection of the vehicle. The inspecting police officer shall verify the facts stated in the application and note the following information on the application:

- (1) The VIN.
- (2) The make and year of the vehicle.
- (3) The police officer's:
 - (A) name;
 - (B) title;
 - (C) police agency; and
 - (D) signature.
- (4) The inspection date.

(e) In addition to IC 9-17-2, an applicant who purchased a vehicle and is unable to obtain a properly executed title for a vehicle that is valued at five thousand dollars (\$5,000) or less may obtain a title by presenting all of the following items:

- (1) A valid bill of sale.
- (2) An affidavit of ownership on the bureau's designated form.
- (3) A letter requesting the registered owner/seller to provide the signed title to the purchaser. The letter must have been:
 - (A) sent to the seller by registered mail at the seller's last known address; and
 - (B) returned to the sender unopened and marked as being unclaimed.
- (4) A VIN inspection.
- (5) A lien release, if necessary.

The bureau will issue a new title to the applicant if the bureau determines that sufficient credible evidence exists to substantiate the applicant's claim of ownership.

(f) In addition to IC 9-17-2, an applicant who purchased a vehicle and is unable to obtain a properly executed title for a vehicle that is valued at more than five thousand dollars (\$5,000) shall present a court order that establishes the applicant as the legal owner of the purchased vehicle for which the applicant is seeking a title.

(g) United States government verification will be accepted as proof of ownership from military personnel who did not obtain the standard port of entry forms for importing the personnel's personal vehicle from out of the country.

(h) To record a lien on an existing title, an applicant must apply for a new title and include the following information:

- (1) The new lien holder's information.
- (2) The signatures of all the persons whose names appeared on the original title.

(i) The bureau may require a VIN inspection whenever unusual or suspicious circumstances exist pertaining to a title transaction or a title's information. (*Bureau of Motor Vehicles; (9-1-2-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 133; filed Sep 23, 1988, 8:30 a.m.: 12 IR 249; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

SECTION 4. 140 IAC 7-1.1-1 IS AMENDED TO READ AS FOLLOWS:

140 IAC 7-1.1-1 Definitions

Authority: IC 9-13-2-58; IC 9-14-2-2

Affected: IC 3-5-2-42.5; IC 6-6-5-1; IC 9-13-2; IC 9-16; IC 9-24; IC 12-7-2-61; IC 29-3-1-7.5

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Bureau" has the meaning set forth in IC 9-13-2-16.

(c) "CDL applicant" means any person requesting a CDL, or renewal, reinstatement, or requalification thereof.

(d) "CDL skills test" means the bureau, or a certified CDL skills test examiner, administered examination of a CDL or CDL endorsement applicant's skills as required by 49 CFR 383*.

(~~e~~) (e) "Certified ~~commercial driver's license~~ CDL skills test examiner" means a person who the bureau certifies and authorizes to administer a driving skills test to any applicant for a ~~commercial driver's license~~ CDL.

~~(d)~~ (f) "Class" means group as set forth in 49 CFR 383.91*.

~~(e)~~ (g) "Commercial driver's license" or "CDL" has the meaning set forth in 49 CFR 383.5*.

~~(f)~~ "Commercial driver's license applicant" means any person requesting a commercial driver's license, or renewal, reinstatement, or requalification thereof.

~~(g)~~ (h) "Commercial driver's license learner's permit" has the meaning set forth in IC 9-24-6-0.5.

~~(h)~~ "Commercial driver's license skills test" or "CDL skills test" means the bureau, or a certified commercial driver's license skills test examiner, administered examination of a CDL or CDL endorsement applicant's skills as required by 49 CFR 383*.

(i) "Commercial motor vehicle" or "CMV" has the meaning set forth in 49 CFR 383.5*.

(j) "Commission" has the meaning set forth in IC 9-13-2-32.

(k) "Commissioner" has the meaning set forth in IC 9-13-2-33.

(l) "Core knowledge exam" means a written test designed to verify the applicant's knowledge in the operation of a ~~commercial motor vehicle~~ CMV as required by 49 CFR 383*.

(m) "Disqualification" means any of the following ~~four (4)~~ actions:

(1) The suspension, revocation, or cancellation of a ~~commercial driver's license~~ CDL by the state or jurisdiction of issuance. A disqualification will be considered a suspension action when a person with a CDL is prohibited from operating a CMV for a determinate period of time due to the person having:

(A) been convicted; or ~~having~~

(B) refused to submit to a certified chemical test.

(2) Any withdrawal of a person's privileges to drive a ~~commercial motor vehicle~~ CMV by the state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control, other than:

(A) parking;

(B) vehicle weight; or

(C) vehicle defect;

violations.

(3) A determination by the Federal Motor Carrier Safety Administration or the state that a person:

(A) is not qualified to operate a ~~commercial motor vehicle~~ CMV under 49 CFR Part 391*; or

~~(4) A determination by the Federal Motor Carrier Safety Administration or the state that that a person (B) has committed an action that requires disqualification pursuant to 49 CFR*.~~

(n) "Driver's license" has the meaning set forth in IC 9-13-2-48.

(o) "Endorsement" has the meaning set forth in 49 CFR 383.5*.

(p) "Endorsement knowledge test" means a test designed to verify the applicant's knowledge in the operation of a specific type of ~~commercial motor vehicle~~ CMV as required by 49 CFR 383*.

(q) "Farm semitrailer and tractor", **for purposes of IC 9-13-2-58 and this article**, means a semitrailer and tractor, as defined in IC 9-13-2-164 and IC 9-13-2-180, respectively, ~~which that~~ the owner or ~~guest occupant~~ **uses registrant attests to as using** in connection with agricultural pursuits usual and normal to the user's farming operation.

(r) "Farm trailer", **for purposes of IC 9-13-2-58 and this article**, means a trailer, as defined under IC 9-13-2-184, ~~which that~~ the owner or ~~guest occupant~~ **uses registrant attests to as using** in connection with agricultural pursuits usual and normal to the user's farming operation.

(s) "Farm truck", **for purposes of IC 9-13-2-58 and this article**, means a truck, as defined in IC 9-13-2-188, ~~which~~ **that** the owner or ~~guest occupant uses~~ **registrant attests to as using** in connection with agricultural pursuits usual and normal to the user's farming operation.

(t) "Full legal name" means, pursuant to 6 CFR 37.3*, an individual's:

- (1) first name;
- (2) middle name or names; and
- (3) last name or surname;

without **the** use of initials or nicknames.

(u) "Gross combination weight rating" or "GCWR" has the meaning set forth in 49 CFR 383.5*.

(v) "Gross vehicle weight rating" or "GVWR" has the meaning set forth in 49 CFR 383.5*.

(w) "Highway" and "street" have the meaning set forth in IC 9-13-2-73.

(x) "**Incapacitated person**" means an individual who:

(1) **because of insanity, mental illness, mental deficiency, physical illness, or infirmity is unable to:**

(A) **manage, in whole or in part, the individual's property; or**

(B) **provide self-care;**

or both; or

(2) **has a developmental disability as defined in IC 12-7-2-61.**

~~(y)~~ (y) "Lawful status" means a ~~citizen or national of the United States; or an alien who:~~ **person who meets the requirements of:**

(1) ~~was lawfully admitted for permanent or temporary residence in the United States;~~

(2) ~~has conditional permanent resident status in the United States;~~

(3) ~~has an approved application for asylum in the United States or has entered into the United States in refugee status;~~

(4) ~~has a valid nonimmigrant status in the United States;~~

(5) ~~has a pending application for asylum in the United States;~~

(6) ~~has a pending or approved application for temporary protected status (TPS) in the United States;~~

(7) ~~has approved deferred action status; or~~

(8) ~~has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.~~

(1) **IC 9-24-9-2.5 for a driver's license; or**

(2) **IC 9-24-16-3.5(1) for an identification card.**

~~(z)~~ (z) "License branch" means the commission's branch offices authorized to perform the functions and conduct the transactions under IC 9-16.

(aa) "**Mobile home**" has the meaning set forth in IC 6-6-5-1.

~~(bb)~~ (bb) "Motorcycle" has the meaning set forth in IC 9-13-2-108.

~~(cc)~~ (cc) "Motorcycle learner's permit" means a bureau issued permit that entitles a person to operate a motorcycle on Indiana highways subject to Indiana laws and regulations.

~~(dd)~~ (dd) "Motorcycle license endorsement" means an authorization placed on an existing driver's license that authorizes a person to operate a motorcycle on Indiana highways.

~~(ee)~~ (ee) "Motorcycle operational skills test" means the bureau approved standardized driving skills examination given by a state driver examiner or an approved examiner to determine whether a student has sufficient physical and mental ability to operate a motorcycle properly to qualify for a motorcycle license or motorcycle endorsement.

~~(ff)~~ (ff) "Motorcycle temporary learner's permit" means a bureau issued permit that entitles a person to operate a motorcycle on Indiana highways, subject to Indiana laws and regulations, while enrolled in an approved drivers education and training course.

(gg) "Motor home" has the meaning set forth in IC 6-6-5-1.

~~(ee)~~ **(hh)** "Motorized bicycle" has the meaning set forth in IC 9-13-2-109.

~~(ff)~~ **(ii)** "Motor scooter" has the meaning set forth in IC 9-13-2-104.

~~(gg)~~ **(jj)** "Operator's license" means the driver's license issued under IC 9-24-3.

~~(hh)~~ **(kk)** "Person" has the meaning set forth in IC 9-13-2-124.

~~(ii)~~ **(ll)** "Qualified jurisdiction" means a country specified in 49 CFR 383.23(b)(1)(n.1)*.

(mm) "Residence" has the meaning set forth in IC 3-5-2-42.5.

~~(jj)~~ **(nn)** "Resident" has the meaning set forth in IC 9-13-2-78.

~~(kk)~~ **(oo)** "State" has the meaning set forth in IC 9-13-2-173.

~~(ll)~~ **(pp)** "State driver examiner" means a commission employee whose duties include the administration of driving skills tests at license branches.

~~(mm)~~ **(qq)** "Student" means a person who:

(1) holds a temporary motorcycle learner's permit; and

(2) is actively enrolled in an approved motorcycle driver education and training course.

~~(nn)~~ **(rr)** "Truck ~~driving~~ driver training school" has the meaning set forth in IC 9-13-2-188.5.

~~(oo)~~ **(ss)** "Visual screening" means an eye screening that the bureau administers to:

(1) license;

(2) permit; and

(3) endorsement;

applicants.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Bureau of Motor Vehicles; 140 IAC 7-1.1-1; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

SECTION 5. 140 IAC 7-1.1-3 IS ADDED TO READ AS FOLLOWS:

140 IAC 7-1.1-3 License, permit, and identification card documentation requirements

Authority: IC 9-14-2-2

Affected: IC 9-24-9-3; IC 9-24-16

Sec. 3. (a) Each applicant for an initial, renewed, duplicate, and amended driver's license and identification card must submit qualified documents or information, or both, to the bureau to prove the applicant's identity, lawful status in the U.S., residence address, and Social Security number (SSN) or that the applicant does not qualify for an SSN, and that the applicant is an Indiana resident. An applicant for an initial driver's license includes an applicant who held an Indiana driver's license or identification card, became a non-Indiana resident, and then reestablished Indiana residency. For some requirements, the bureau may allow applicants to use one (1) or more qualified documents to satisfy more than one (1) of the requirements in this section. An applicant may petition the commissioner or the commissioner's designee to accept reasonable and authentic alternative documents upon the applicant proving that the applicant is reasonably unable to meet the requirements in this section. The bureau will only accept documents that meet the following requirements:

(1) The documents must be original documents or certified facsimiles from the issuing agency.

- (2) The bureau may refuse any document that appears:
- (A) fraudulent;
 - (B) unreliable;
 - (C) altered; or
 - (D) expired.
- (3) All documents must be:
- (A) in the English language; or
 - (B) presented with a verifiably accurate English translation of the document.
- (4) Each applicant's documented information and SSN presented to the bureau must match the information that the U.S. Social Security Administration (SSA) has in its records for the SSN.

(b) All applicants for an initial Indiana driver's license or identification card, and all applicants for a renewed, duplicate, or amended driver's license or identification card must comply with the requirements in this subsection one (1) time. Applicants for an initial driver's license or identification card must comply with the requirements in this subsection starting on this subsection's effective date. All applicants for a renewed, duplicate, or amended driver's license or identification card must comply with the requirements in this subsection starting January 1, 2010. An applicant must show proof of the following:

- (1) Identity, which includes full legal name and date of birth, by presenting one (1) of the following documents:
- (A) A U.S. passport.
 - (B) A foreign passport with a U.S. visa affixed accompanied by the approved 1-94 form documenting the applicant's most recent admittance into the U.S.
 - (C) A birth certificate and, if applicable, an amended birth certificate showing a change in name, date of birth, or gender, filed with a state office of vital statistics, or equivalent state entity, in the applicant's state of birth.
 - (D) A Consular Report of Birth Abroad issued by the U.S. State Department (Form FS-240, Form DS-1350, or Form FS-545).
 - (E) A Certificate of Naturalization (Form N-550 or Form N-570).
 - (F) A Certificate of Citizenship (Form N-560 or Form N-561).
 - (G) A U.S. Department of Homeland Security (DHS) or Immigration and Naturalization Service (INS) issued Permanent Resident Card (Form I-551).
 - (H) A DHS issued Employment Authorization Document (Form I-688B or Form I-766).
 - (I) Other documents that a U.S. federal agency issued to show identity if the bureau can verify through the DHS that the document's information is accurate.
 - (J) An applicant whose full legal name, date of birth, or gender was changed and is different than how the corresponding information appears in any of the documents delineated in clauses (A) through (I) must show proof of the change by presenting additional documents supporting the change, which include any of the following:
 - (i) A marriage license.
 - (ii) A divorce decree.
 - (iii) A court order approving a name change or a date of birth change.
 - (iv) An amended birth certificate for a gender change.
 - (v) A physician's signed and dated statement that "(insert applicant's name) successfully underwent all treatment necessary to permanently change (insert applicant's name) gender from (insert prior gender) to (insert new gender)".
- (2) Lawful status in the U.S. by presenting:
- (A) one (1) of the documents delineated in subdivision (1)(A) through (1)(I); or
 - (B) a notice of action (Form I-797) document, if the bureau can verify that the DHS received it and has not denied action, and documents that a U.S. federal agency issued to show lawful status that pertain to the applicant's notice of action.
- (3) Being an Indiana resident and of the applicant's residence address, which may not be a post office box, by submitting the bureau's form entitled "Indiana Residency Affidavit" by the following:
- (A) Applicants under eighteen (18) years of age. Another person who meets the requirements of IC 9-24-9-3 must:
 - (i) sign the form at the license branch at the time of the application; and
 - (ii) present:

- (AA) a valid Indiana driver's license or identification card;
- (BB) one (1) document showing proof of identity from the list in subdivision (1); and
- (CC) two (2) documents showing proof of residence address from the list in subdivision (4).

(B) An applicant who is an incapacitated person. A person who:

- (i) is the applicant's legal guardian or caregiver;
- (ii) is at least eighteen (18) years of age; and
- (iii) resides with the applicant must sign the form at a license branch.

The legal guardian or caregiver must show proof of identity by providing one (1) document from the list in subdivision (1), proof of residence address by providing two (2) documents from the list in subdivision (4), providing information detailing their relationship to the applicant, providing the guardianship documents if applicable, and presenting a valid Indiana driver's license or identification card.

(C) Applicants without a residence address who reside at a group resident facility. A person who is a legal representative of the group resident facility must sign the form. The applicant must provide a letter from the group resident facility on its letterhead containing the facility's name, address, and telephone number, and the legal representative's name, signature, and signature date.

(D) Applicants at least eighteen (18) years of age who are unable to comply with the requirements in subdivision (1) or (2), this subdivision, or subdivision (4). A person with whom the applicant resides must:

- (i) sign the form at a license branch at the time of the application; and
- (ii) show:

- (AA) proof of identity by providing one (1) document from the list in subdivision (1);
- (BB) proof of residence address by providing two (2) documents from the list in subdivision (4); and
- (CC) a valid Indiana driver's license number or identification card number.

(E) An applicant who resides in a motor vehicle, including, but not limited to, a mobile home or motor home. Another person who is an Indiana resident with a residence address must:

- (i) sign the form and attest that the applicant may use the person's residence address for record purposes; and
- (ii) show proof of residence address by providing two (2) documents from the list provided in subdivision (4).

The applicant must provide proof of paying Indiana income taxes for the current year or immediately prior year and have current motor vehicle title and registration records with the bureau.

(F) Applicants with rural route mail delivery addresses. Each of these applicants must also provide a properly certified government issued document containing the applicant's name and description of the residence's location.

(4) Being an Indiana resident and of the applicant's residence address, which may not be a post office box, by submitting two (2) documents showing proof of being an Indiana resident and two (2) documents showing the applicant's residence address. Additionally, each applicant enrolled in a truck driver training school located in Indiana must show proof of enrollment and present the applicant's out-of-state driver's license. Qualifying documents include any or all of the following:

(A) A U.S. Postal Service change of address confirmation (Form CNL107) containing the applicant's old and new addresses.

(B) A survey of the applicant's Indiana property produced by a licensed surveyor containing the applicant's name and residence address.

(C) An Indiana voter registration card.

(D) A utility company, credit card, doctor, or hospital bill:

- (i) issued within sixty (60) days of the application date; and
- (ii) containing the applicant's name and residence address.

(E) A residence mortgage or similar loan contract, or lease or rental contract, dated within twelve (12) months of the application date, containing:

- (i) the applicant's name and residence address; and
- (ii) signatures from the parties needed to execute the agreement.

(F) A bank statement or bank transaction receipt, dated within sixty (60) days of the application date, containing the:

- (i) bank's name and mailing address; and
- (ii) applicant's name and residence address.

(G) A current motor vehicle loan payment book for a motor vehicle registered in the applicant's name and containing the applicant's name and residence address.

(H) A current valid homeowner's, renter's, or car insurance policy dated within one (1) year of the application date, containing the applicant's name and residence address.

(I) A W-2 Form, property tax or excise tax bill, or SSA or other pension or retirement annual benefits summary statement, dated with the current or immediately prior year, containing the applicant's name and residence address.

(J) A preprinted pay stub, dated within sixty (60) days of the application date, containing the:

- (i) employer's name and address; and
- (ii) applicant's name and residence address.

(K) An Indiana family and social services administration issued child support check stub, or Medicaid or Medicare benefit statement, dated within sixty (60) days of the application date, containing the applicant's name and address.

(L) A valid Indiana handgun permit containing the applicant's:

- (i) name;
- (ii) signature;
- (iii) residence address; and
- (iv) date of birth.

(M) First class mail from any federal or state court or agency, dated within sixty (60) days of the application date, containing the applicant's name and residence address.

(5) Having a valid SSN or that the person does not qualify for an SSN by presenting one (1) SSN document or the SSA document establishing that the person does not qualify for an SSN. Any of the following documents, containing the applicant's name and SSN, qualify to show proof of having a valid SSN:

- (A) An SSA issued Social Security card.
- (B) A W-2 form.
- (C) A Form 1099.
- (D) A preprinted pay stub containing the employer's name.

(c) Subject to the requirements in subsection (b), to receive a duplicate or renewed Indiana driver's license or identification card, an applicant must do the following:

- (1) Verify that the applicant's:
 - (A) full legal name;
 - (B) date of birth;
 - (C) SSN; and
 - (D) residence address;

are current and accurate and match the information existing in the bureau's records.

(2) Applicants without an SSN must present an SSA document establishing that the person does not qualify for an SSN.

(d) Subject to the requirements in subsection (b), to receive an amended Indiana driver's license or identification card an applicant must do the following:

- (1) Provide the applicant's existing license or identification card or verify that their:
 - (A) full legal name;
 - (B) date of birth;
 - (C) SSN; and
 - (D) residence address;

are current and accurate and match the information existing in the bureau's records.

(2) Applicants without an SSN must present an SSA document establishing that the person does not qualify for an SSN.

(3) Present qualified documentation as proof for the requested change as follows:

- (A) To show proof of the applicant's new full legal name, the applicant must submit one (1) of the following documents:
 - (i) A U.S. passport.

- (ii) A foreign passport with a U.S. visa affixed accompanied by the approved 1-94 form documenting the applicant's most recent admittance into the U.S.
- (iii) A birth certificate, or amended birth certificate, filed with a state office of vital statistics, or equivalent state entity, in the applicant's state of birth and, if applicable, an amended birth certificate showing a change in name, date of birth, or gender.
- (iv) A Consular Report of Birth Abroad issued by the U.S. State Department (Form FS-240, Form DS-1350, or Form FS-545).
- (v) A Certificate of Naturalization (Form N-550 or Form N-570).
- (vi) A Certificate of Citizenship (Form N-560 or Form N-561).
- (vii) A DHS or INS issued Permanent Resident Card (Form I-551).
- (viii) A DHS issued Employment Authorization Document (Form I-688B or Form I-766).
- (ix) Other documents that a U.S. federal agency issued to show identity if the bureau can verify that the document's information is accurate through the DHS.
- (x) A marriage license.
- (xi) A divorce decree.
- (xii) Adoption papers.
- (xiii) A court ordered name change.

(B) To show proof of the applicant's amended date of birth, the applicant must submit one (1) of the following documents:

- (i) An amended birth certificate.
- (ii) A court ordered date of birth change.

(C) To show proof of the applicant's gender change, the applicant must submit one (1) of the following documents:

- (i) An amended birth certificate.
- (ii) A physician's signed and dated statement that "(insert applicant's name) successfully underwent all treatment necessary to permanently change (insert applicant's name) gender from (insert prior gender) to (insert new gender)".

(D) To show proof of the applicant's new residence address, the applicant must submit the Indiana residency affidavit under subsection (b)(3) or two (2) of the documents from the list in subsection (b)(4).

(E) To show proof of the applicant's new SSN, the applicant must present one (1) of the documents from the list in subsection (b)(5) containing the applicant's new SSN.

(Bureau of Motor Vehicles; 140 IAC 7-1.1-3)

SECTION 6. 140 IAC 7-1.2-1 IS AMENDED TO READ AS FOLLOWS:

140 IAC 7-1.2-1 Issuance of an interim license

Authority: IC 9-14-2-2; IC 9-24-11-2

Affected: IC 9-24-12-6

Sec. 1. (a) The bureau may issue an interim Indiana driver's license for the specified periods to those individuals who meet all of the requirements for obtaining an Indiana driver's license but are in one (1) of the following situations:

(1) The person may receive a fourteen (14) day interim license when the person is applying at a time when the bureau's system or systems used for the driver's license issuing process ~~is~~ **are** not properly operating.

(2) The person may receive a thirty (30) day interim license when the person:

(A) is applying for ~~a new~~ **an initial, duplicate, amended,** or renewed driver's license; ~~for temporary lawful residents.~~

~~(3) The person may receive a thirty (30) day interim license when the person~~ **(B)** is applying for a ~~new or~~ renewed driver's license and the problem driver pointer system indicates that the applicant's driving privileges are suspended in another state;

~~(4) The person may receive a thirty (30) day interim license when the person~~ **(C)** has an Indiana driver's license, is traveling outside the state, and is unable to return to the state in time to renew the person's driver's license;

(D) has an Indiana driver's license, is traveling outside the state, and has lost their Indiana driver's license while traveling outside the state; or

~~(5) The person may receive a thirty (30) day interim license when the person~~ **(E)** is applying and the bureau

determines that the person might be the victim of an image conflict or fraud, or a discrepancy exists in the person's information when the bureau seeks to verify its accuracy with records that the federal government maintains.

(b) The bureau will not issue an interim driver's license in any or all of the following situations:

(1) The applicant's current license does not expire within ~~fourteen (14)~~ **thirty (30) days of the application date.**

~~(2) The applicant does not hold an Indiana issued driver's license and is not a temporary lawful resident.~~

~~(3) (2)~~ (2) The applicant holds a CDL or CDL permit, unless:

(A) it is disqualified; and

(B) the base license remains valid.

~~(4) (3)~~ (3) The applicant's driving privileges or driver's license is:

(A) suspended;

(B) invalid;

(C) revoked;

(D) forfeited; or

(E) subject to a similar action.

~~(5) The applicant has an unexpired identification card or permit.~~

(Bureau of Motor Vehicles; 140 IAC 7-1.2-1; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 7. THE FOLLOWING ARE REPEALED: 140 IAC 2-5-2; 140 IAC 7-1.1-2; 140 IAC 7-4-3; 140 IAC 9-1-18.

Notice of Public Hearing