

INFORMATION REGARDING SPECIALIZED DRIVING PRIVILEGES

WHAT ARE SPECIALIZED DRIVING PRIVILEGES?

- Specialized driving privileges are privileges granted by a court that allows a person with a suspended license to legally drive for specific reasons. For example, a person might ask the court for the privilege to drive to work. Or, a person may request to legally drive only with a certified ignition interlock device installed and be able to travel anywhere.

WHEN CAN A PERSON ASK FOR SPECIALIZED DRIVING PRIVILEGES?

- An individual whose driving privileges are suspended by the court may ask the court for specialized driving privileges IC 9-30-16-3 by filing a Petition for Specialized Driving Privileges.

If your license is currently suspended because of a court-ordered suspension in a criminal case, the Petition for Specialized Driving Privileges will be filed in said criminal case and no filing fee will be required.

- An individual whose driving privileges have been suspended by the Bureau of Motor Vehicles (BMV) by an administrative action and not by a court order may petition a court for specialized driving privileges. IC 9-30-16-4

If your license is suspended administratively by the BMV, you will be required to file your petition for Specialized Driving Privileges under an MC cause number and pay the State imposed filing fee to the Clerk at the time of filing documents.

If you are unable to pay the filing fee, submit your Indigency Affidavit along with the proposed Order for Fee Waiver for the judge to review and determine if a filing fee is required.

- Not everyone is eligible for Specialized Driving Privileges. IC 9-30-16-1. The following people are not eligible for Specialized Driving Privileges:
 1. A person who has never been an Indiana resident.
 2. A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7 (Indiana Implied Consent Law). However, a court may grant this person driving privileges under IC 9-30-6-8(d) (installation of certified ignition interlock device).
 3. A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A) (BMV determines driver is incompetent or unfit).
 4. A person whose driving privileges have been suspended under IC 9-21-8-52(e) (for reckless driving) or IC 9-21-12-1(b) (stopping for a school bus).

WHERE DO I FILE MY PETITION FOR SPECIALIZED DRIVING PRIVILEGES?

- If the suspension is court ordered, file at the courthouse in EVERY county that has given you a suspension.
- If the suspension is administrative through the Bureau of Motor Vehicles (BMV), including a lifetime suspension, the petition has to be filed in the county courthouse in the county that you live.
- If you do not live in Indiana, file in the county in which you received the most recent moving violation judgement.

WHAT ADDITIONAL DOCUMENTS WILL I NEED TO FILE ALONG WITH THE PETITION FOR SPECIALIZED DRIVING?

- A certified copy of your OFFICIAL DRIVING RECORD must be filed along with your Petition for Specialized Driving Privileges. Your Official Driving Record can be purchased online at: in.gov/BMV/resources/driver-record
- Insurance Verification from your auto insurance company verifying that you have auto insurance as required by State law.

All motorists that operate a motor vehicle on Indiana roadways are required to maintain the state's minimum amount of liability insurance coverage for the vehicle they operate. The state of Indiana has a 25/50/25 minimum liability insurance requirement. This required minimum coverage includes \$25,000 for bodily injury to or the death of one (1) individual, \$50,000 for bodily injury to or the death of two (2) or more individuals in any one (1) accident, and \$25,000 for damage to or the destruction of property in one (1) accident.

- A copy of your driver's license and your driver's license number.
- A full and complete list of:
 1. The locations and addresses where you would like permission to travel;
 2. The days of the week or month and time windows when you request permission to travel;
 3. The purposes for your travel, such as: work, court hearings, probation, banking, church services, groceries, doctor appointments, childcare, etc
- A clear reason for needing specialized driving privileges.

PETITION IS FILED WITH THE CLERK, NOW WHAT?

- The Court will review the petition and accompanying documents and schedule the matter for hearing and/or request that the State file a response to the petition. The driver, attorney for the driver, prosecutor and the BMV will all receive notice of the hearing.

- Parties must appear and be prepared for the hearing. The Court will either grant or deny the petition based on the testimony of parties at the hearing.
- A conditional license is what you will receive from the BMV once Specialized Driving Privileges are granted by the Court. You will be required to take the necessary documents to the BMV to obtain this conditional license.
- If specialized driving privileges are granted by a court, an effective SR22 (proof of insurance documents) is required to be on file with the BMV for the duration of the specialized driving privileges.
- A copy of the court order granting specialized driving privileges must be carried in the vehicle being operated by the person with a conditional license. The driver must produce a copy of the court order granting specialized driving privileges upon request of a law enforcement officer.
- The driver must also carry a valid BMV issued conditional driver's license
- After the restriction expires, the driver may apply for an amended or renewed license to have the restriction removed.

IGNITION INTERLOCK DEVICE WILL PROBABLY BE A COURT-ORDERED REQUIREMENT OF DRIVING ON SPECIALIZED DRIVING PRIVILEGES.

A court can require a certified ignition interlock device for a driver convicted of operating a motor vehicle while intoxicated or in lieu of a suspension when there is probable cause to believe a driver was operating a vehicle while intoxicated prior to conviction. The restriction remains in place for the period determined by the court or Indiana law. After expiration, the restriction will be removed from the driver's record when the driver applies for an amended or renewed driver's license.

If Ignition Interlock is ordered, the provider of the ignition interlock device with camera shall be **Intoxalock (intoxalock.com)**. The Program Monitor / Monitoring Authority shall be the Adams County Probation Department. You will be required to provide the court with written verification (Certificate of Installation) of ignition interlock installation within 72 hours of the date of an Ignition Interlock Order. If you fail to do so, your Ignition Interlock Order and any accompanying Specialized Driving Privilege Order will be vacated and the Court will recommend immediate suspension.

SPECIALIZED DRIVING PRIVILEGES ARE GRANTED BY THE COURT, NOW WHAT?

Obtaining a Court-order for Specialized Driving Privileges is only the first step. The driver cannot lawfully drive until issued a conditional license from the BMV. The Court will prepare the Order for Specialized Driving Privileges and lay out all of the specific travel authorizations as stated at the Court hearing or requested by parties and issue a copy to the driver, their attorney, and the prosecutor. The

Court will electronically notify the Indiana Bureau of Motor Vehicles, through electronic transmission, that the driver has received Specialized Driving Privileges showing the start date and for how many days the driver will be driving with SDP.

The BMV will then mail a notice to the driver (at the address that the BMV has on file for the driver) indicating that the BMV needs a Certificate of Compliance from the defendant's insurance company. You must then arrange for your insurance provider to file a Certificate of Compliance (COC) electronically with the Indiana BMV.

Once the insurance matter is satisfied with the BMV, the driver will then be required to take the Order for Specialized Driving Privileges to their local BMV office and obtain a Conditional License from the BMV so that the driver can now legally drive for the period of time stated by the Court and also stated in the SDP Order.

When the Order for Specialized Driving Privileges expires, the driver can then obtain a valid Indiana Driver's license (unlike a Conditional license) from the BMV. If the SDP expires prior to the BMV suspension, the driver will need to request a new hearing date (prior to the expiration) to see if the Court might extend the SDP for an additional period of time. The Court may have already set a review hearing date and said date would be at the end of the Order for Specialized Driving Privileges and the driver should make every effort to attend that hearing or their Specialized Driving Privileges will expire and will no longer be valid.

PLEASE DRIVE SAFE!!