

Instructions for Petitions and Proceedings to Waive BMV Driver's License Re-Instatement Fees Under IC 9- 29-10

If the Indiana Bureau of Motor Vehicles (BMV) has notified you that you must pay reinstatement fees in order to obtain a valid Indiana Driver's License then you may be eligible to seek a court order directing the BMV to waive part or all of those re-instatement fees.

To seek this court order directing the BMV to waive your re-instatement fees you must meet the following requirements:

1. You must be indigent.
2. You must be a resident of Delaware County, Indiana.
3. You must owe re-instatement fees to the BMV in order to re-instate your driver's license.
4. You must have proof of future financial responsibility to bring to your court hearing. (contact your insurance agent to obtain a written insurance quote).

If you meet the above requirements, please complete the following forms: (fill in all blanks and sign forms)

1. Appearance Form
2. Verified Petition to Waive Re-Instatement Fees.
 - a. Attach a copy of your current BMV Record to the Verified Petition.
3. Indigency Affidavit.
4. Notice of Hearing
5. Summons - 2 (1 to Prosecutor's Office and 1 to BMV)

File the completed forms and attachments with the Delaware County Filing Clerk's Office in the Delaware County Justice Center.

The Clerk will assign your paperwork a Cause Number (MC- Miscellaneous Criminal).

The Clerk will issue a copy of your paperwork to the Prosecuting Attorney and BMV.

The Court will schedule a court hearing in the Delaware Circuit Court 3 at which you must appear and bring proof of future financial responsibility (i.e. proof of insurance).

Following the hearing the Court will issue an order either granting your Verified Petition and waiving your re-instatement fees or denying your request.

Should you fail to fully complete your paperwork or fail to attend your hearing, your Verified Petition will be summarily dismissed.

APPEARANCE BY A SELF-REPRESENTED LITIGANT IN A CIVIL CASE

STATE OF INDIANA
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT
COURT NO. 3

_____,
Petitioner

18C03- _____ - MC - _____

v.

State Of Indiana & Indiana Bureau of Motor Vehicles,
Respondents

1. My Name: _____

2. My Address: _____

3. My telephone number: _____

4. My fax number: _____

5. My e-mail address: _____

6. I will accept service from other parties by:

FAX at the above noted number: Yes _____ No _____

Email at the above noted address: Yes _____ No _____

7. This case involves child support issues: Yes _____ No _____

*(If yes, supply Social Security Numbers for all family members on a separately Attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-5.)*

8. There are related cases: Yes _____ No _____
(If yes, list in the space following #8.)

9. You MUST serve this Form and any other pleadings or documents you are filing or will file in this case on all other attorneys (or the other parties, if they are not represented by an attorney.) This form has been served on all other parties and Certificate of Service is attached:

Yes _____ No _____ X _____

Your Signature

Your Printed Name

CERTIFICATE OF SERVICE

The Delaware County Clerk of the Court shall forward a copy of this Appearance to the Delaware County Prosecutor's Office and BMV.

COUNTY OF DELAWARE)
) SS:
STATE OF INDIANA)

IN DELAWARE CIRCUIT COURT NO. 3

CAUSE NO.: 18C03-_____-MC-_____

Petitioner

-VS-

State of Indiana & Indiana Bureau of Motor Vehicles
Respondents

INDIGENCY AFFIDAVIT

The Petitioner now states:

1. I wish to file this action and I believe that I have a case with merit.
2. I cannot pay any of the filing fees or other costs of this action because I do not have sufficient income or resources.
3. I cannot pay any of the re-instatement fees required by the BMV because I do not have sufficient income or resources.
4. I live with _____.
5. Our family's income is \$ _____ per month. **(Total from below)**

(Income received each month, before taxes)

Wages (\$ _____ per hour X _____ hours per month)	Total Wages \$ _____ per month
Unemployment Compensation	\$ _____
AFDC / TANF Benefits	\$ _____
SSI / SSD Benefits	\$ _____
Child Support	\$ _____
Other (please describe) _____	\$ _____

Total Income = \$ _____

6. We have \$ _____ in the bank.
7. Our expenses total \$ _____ per month: **(Total from below)**

(Expenses spent each month)

Housing (Rent, Contract, or Mortgage)	\$ _____
Utilities (Gas, Electric, Water, Phone, etc.)	\$ _____
Food	\$ _____
Child Care	\$ _____
Medical Bills	\$ _____
Transportation	\$ _____
Insurance (car, medical and/or property)	\$ _____
Child Support	\$ _____
Other (please describe) _____	\$ _____

Total Expenses = \$ _____

****I request that this Court waive all costs of this action and allow me to proceed without the payment of any filing fees or other costs.**

I request that this Court Order the BMV to waive all or part of the re-instatement fees assessed against me.

I affirm under the penalties of perjury that the foregoing representations are true.

Date: _____

Signature

Printed Name

COUNTY OF DELAWARE)
) SS:
STATE OF INDIANA)

IN DELAWARE CIRCUIT COURT NO. 3

CAUSE NO.: 18C03-_____-MC-_____

Petitioner

-VS-

State of Indiana & Indiana Bureau of Motor Vehicles
Respondents

VERIFIED PETITION TO WAIVE RE-INSTATEMENT FEES

Comes now the Petitioner, and for his/her Verified Petition to Waive Re-Instatement Fees now states as follows:

I am indigent. (See attached Affidavit of Indigency)

I reside in Delaware County, Indiana at the following address:

I owe fees to the Indiana Bureau of Motor Vehicles in the sum of \$ _____ for reinstatement of my driver's license. (See attached BMV Notice)

I will bring proof of future financial responsibility (i.e. proof of insurance) to the court hearing.

My birthdate is _____.

The last four (4) digits of my driver's license number are _____.

I seek waiver of these reinstatement fees for the following reasons:

_____.

I hereby affirm under the penalties for perjury that the foregoing statements are true and correct.

Date: _____

Signature

Printed Name

The Delaware County Clerk of the Court shall forward a copy of this Petition to Delaware County Prosecutor's Office & BMV.

SUMMONS

THE STATE OF INDIANA

DELAWARE COUNTY CIRCUIT COURT NO. 3

Muncie, Indiana

Plaintiff

VS.

Cause No. 18C03-_____-MC-_____

State of Indiana
Delaware County Prosecutor's Office
3100 S. Tillotson Avenue, Ste. 270
Muncie, IN 47302

Defendant

Indiana Bureau of Motor Vehicles
BMV Records Management Division
100 N. Senate Ave., IGCN RM N413
Indianapolis, IN 46204

Defendant

To Defendant: State of Indiana, Delaware County Prosecutor's Office, 3100 S. Tillotson Avenue, Muncie, IN 47302

You have been sued by the person (s) named "Plaintiff" in the Court stated above for

The nature of the suit against you is stated in the Petition which is attached to this document. It also states the demand which the Plaintiff has made and wants from you. ¹

You must answer the Petition in writing, by you or your attorney, within twenty (20) ² days commencing the day after you receive this summons, or a judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: _____

Date: _____

Clerk of the Delaware County Circuit Court No. ____

Plaintiff's Name, Address & Telephone

1. If the complaint is not attached, a copy is available for you in the Office of the Clerk of said Court.
2. Or, if the summons is served by registered or certified mail, within twenty-three (23) days.

SUMMONS

THE STATE OF INDIANA

DELAWARE COUNTY CIRCUIT COURT NO. 3

Muncie, Indiana

Plaintiff

VS.

Cause No. 18C03-_____-MC-_____

State of Indiana
Delaware County Prosecutor's Office
3100 S. Tillotson Avenue, Ste. 270
Muncie, IN 47302

Defendant

Indiana Bureau of Motor Vehicles
BMV Records Management Division
100 N. Senate Ave., IGCN RM N413
Indianapolis, IN 46204

Defendant

To Defendant: Indiana Bureau of Motor Vehicles, BMV Records Management Division, 100 N. Senate Ave, IGCN RM N413, Indianapolis, IN 46204

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