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OFFICIAL OPINION NO. 2

February 3, 1954

Mr. Morris J. Carter, Commissioner  
Bureau of Motor Vehicles  
126 State House  
Indianapolis, Indiana

Dear Mr. Carter:

This is in reply to a letter in which your predecessor, William L. Wilkinson, inquired as to the following:

“In the event that an SR-21 is filed with the Division of Safety Responsibility and Driver Improvement for and in behalf of a person who has been involved in an automobile accident and subsequent to the filing of said SR-21 a judgment is obtained and remains unsatisfied versus that person, has the Commissioner the authority to suspend the driving privileges of the person so involved on the strength of the unsatisfied judgment, or is the filing of the SR-21 sufficient proof of compliance with the Safety Responsibility Law of the State of Indiana?”

Acts of 1947, Ch. 159, Sec. 4, as amended in 1949 and 1951, as found in Burns' Indiana Statutes (1952 Repl.), Section 47-1047 provides:

“(a) The commissioner shall require, within not less than ten (10) days nor more than sixty (60) days after an accident, from any person who, while operating any motor vehicle, shall have been involved in any motor vehicle accident resulting in bodily injury or death, or in damage to property in excess of fifty dollars (\$50.00), or, in the discretion of the commissioner, from the person in whose name such motor vehicle is registered, or both, security sufficient in the discretion of the commissioner to indemnify the injured party against loss and guarantee the payment and satisfaction of any judgment or judgments for damages resulting from such accident as may be recovered against such owner or operator by or on behalf of the injured person or his legal representative, and in addition thereto, the commissioner may require such operator,

or in the commissioner's discretion, the person in whose name such motor vehicle is registered, or both to file proof of financial responsibility for a period of one (1) year following the date of the accident: Provided, however, That if such owner or operator shall satisfy the commissioner that the liability, if any, for damages resulting from such accident is insured by an insurance policy or bond, the commissioner shall not require security from such owner or operator: Provided, further, That the words 'shall require' are to be construed as being words of direction rather than words of mandate."

Chapter 159, Sec. 6, as found in Burns' Indiana Statutes (1952 Repl.), Section 47-1049 provides:

"(a) The commissioner *shall also suspend* the operator's or chauffeur's license and any and all of the registration certificates and registration plates issued to any person upon receiving authenticated report as hereinafter provided that such person has failed for a period of thirty (30) days to satisfy any judgment in amounts and upon a cause of action as herein stated.

"(b) The judgment herein referred to shall mean any judgment in excess of fifty dollars (\$50.00) for damages because of injury to or destruction of property, including the loss of use thereof, or any judgment for damages, including damages for care and loss of services, because of bodily injury to or death of any person arising out of the use of any motor vehicle upon a public highway, excepting a judgment obtained by a member of the judgment debtor's family, or by a guest occupant." (Our emphasis)

Note should be taken of the words "shall also suspend" as appearing in Section 47-1049 (a), *supra*. It is self-evident that Section 6, *supra*, was not intended to be substituted for or to supersede Section 4, as found in Burns' Indiana Statutes (1952 Repl.), Section 47-1047, *supra*, but on the converse was intended to be supplemental, that is to say, in the event an SR-21 was filed, and a judgment subsequently was taken and appeared unsatisfied after thirty (30) days that the Commissioner shall suspend the license of the judgment debtor.

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This interpretation is further borne out by the fact that both of the pertinent suspension provisions are part of the same act as passed in 1947.

“Judgment” was defined by Acts of 1947, Ch. 159, as amended in 1951, as found in Burns’ Indiana Statutes (1952 Repl.), Section 47-1045 as follows:

“Any judgment, except a judgment rendered against this state or any political subdivision thereof or any municipality therein, which shall have become final by expiration without appeal of the time within which appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States.”

It is therefore my opinion that the Commissioner of the Bureau of Motor Vehicles has the authority to suspend the driving privileges of a person in whose behalf an SR-21 has been filed if a final judgment remains unsatisfied against him for a period existing thirty (30) days. An SR-21 is sufficient proof of compliance with the Safety Responsibility Law in so far as Section 4, as found in Burns’ Indiana Statutes (1952 Repl.), Section 47-1047, *supra*, is concerned, but it is not sufficient compliance within the meaning of the provisions of Section 6, as found in Burns’ Indiana Statutes (1952 Repl.), Section 47-1049, *supra*.

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### OFFICIAL OPINION NO. 3

February 4, 1954

Mr. C. V. Ogborn, Administrator  
Licensed Employment Agencies  
Indiana Department of State Revenue  
141 South Meridian Street  
Indianapolis, Indiana

Dear Mr. Ogborn:

This is in reply to your letter requesting an Official Opinion which is as follows:

“Within the past few months Agencies have been doing business in the State of Indiana who employ