



January 28, 2000

HOUSE BILL No. 1135

DIGEST OF HB 1135 (Updated January 27, 2000 11:23 AM - DI 96)

Citations Affected: IC 9-24; IC 9-27; noncode.

Synopsis: Driver education. Revises requirements for an applicant for a driver training instructor's license. Provides that a Level One driver education instructor's license authorizes an individual to provide the in-vehicle phase of driver education instruction. Provides that a Level Two driver education instructor's license authorizes an individual to provide the in-vehicle and classroom phases of driver education instruction. Provides that an individual holding a learner's permit who is less than 18 years of age must be accompanied by a guardian or relative of the driver at least 21 years of age and who holds a valid driver's license. Provides that an individual holding a learner's permit who is at least 18 years of age must be accompanied by an individual at least 21 years of age and who holds a valid driver's license. Requires the professional standards board to amend its rules concerning the driver and safety endorsement to reflect the requirements for an applicant for a driver training instructor's license.

Effective: Upon passage; July 1, 2000.

Burton, Oxley, Cherry, Bodiker

January 10, 2000, read first time and referred to Committee on Roads and Transportation.
January 27, 2000, amended, reported — Do Pass.

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January 28, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1135

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 4. A learner's permit authorizes the
3 permit holder to operate a motor vehicle, except a motorcycle, upon a
4 public highway under the following conditions:
5 (1) While the holder is participating in practice driving in an
6 approved driver education course and is accompanied by a
7 certified driver education instructor in the front seat of an
8 automobile equipped with dual controls.
9 (2) If the learner's permit has been validated and the holder is less
10 than eighteen (18) years of age, the holder may participate in
11 practice driving if the seat beside the holder is occupied by a
12 guardian or relative of the holder who:
13 (A) is at least twenty-one (21) years of age; and
14 (B) holds a valid operator's, chauffeur's, or public passenger
15 chauffeur's license.
16 (3) If the learner's permit has been validated and the holder is at
17 least eighteen (18) years of age, the holder may participate in

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1 practice driving if accompanied in the vehicle by an individual
2 who:

3 **(A) is at least twenty-one (21) years of age; and**

4 **(B)** holds a valid operator's, chauffeur's, or public passenger
5 chauffeur's license.

6 (4) While:

7 (A) the holder is enrolled in an approved driver education
8 course;

9 (B) the holder is participating in practice driving after having
10 commenced an approved driver education course; and

11 (C) the seat beside the holder is occupied by a parent or
12 guardian of the holder who:

13 **(1) is at least twenty-one (21) years of age; and**

14 **(2)** holds a valid operator's, chauffeur's, or public passenger
15 chauffeur's license.

16 SECTION 2. IC 9-27-4-5.5 IS AMENDED TO READ AS
17 FOLLOWS [JULY 1, 2000]: Sec. 5.5. (a) ~~To receive an instructor's~~
18 ~~license under subsection (d); an individual must complete at least sixty~~
19 ~~(60) semester hours at a college. The individual must complete at least~~
20 ~~twelve (12) semester hours in driver education courses; of which three~~
21 ~~(3) semester hours must consist of supervised student teaching~~
22 ~~experience under the direction of an individual who has:~~

23 ~~(1) a driver and traffic safety education endorsement issued by the~~
24 ~~professional standards board established by IC 20-1-1.4; and~~

25 ~~(2) at least five (5) years of teaching experience in driver~~
26 ~~education.~~

27 ~~(b) The three (3) semester hours of supervised student teaching~~
28 ~~experience required under subsection (a) may only be undertaken by an~~
29 ~~individual who will be at least twenty-one (21) years of age upon~~
30 ~~completion and may only be performed at a high school; a commercial~~
31 ~~driving school; or the college providing the courses for the individual~~
32 ~~to become an instructor. The remaining nine (9) hours of driver~~
33 ~~education courses required under subsection (a) must include a~~
34 ~~combination of theoretical and behind-the-wheel instruction that is~~
35 ~~consistent with nationally accepted standards in traffic safety.~~

36 ~~(c) The driver education semester hours required under subsection~~
37 ~~(a) do not satisfy the requirements of subsection (d) or (e) unless the~~
38 ~~driver education curriculum is approved by the commission for higher~~
39 ~~education.~~

40 ~~(d) The bureau shall issue an instructor's license to an individual~~
41 ~~who satisfies all of the following:~~

42 ~~(1) The individual meets the requirements of subsection (a):~~

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1 (a) To obtain an instructor's license under subsection (d) to
2 teach driver education, an individual must:

3 (1) have completed at least:

4 (A) thirty (30) semester hours at a college or university; or

5 (B) forty-eight (48) continuing education units (CEU);

6 (2) complete, after satisfying the requirements of subdivision

7 (1), the training program described in subsection (b); and

8 (3) satisfy the requirements set out in subsection (e).

9 (b) An individual seeking to obtain an instructor's license under
10 subsection (d) must complete the following training program:

11 (1) For a Level One instructor's license under subsection

12 (d)(1), a training program consisting of two (2) courses,

13 including a combination of theoretical and behind-the-wheel

14 instruction that meets or exceeds nationally accepted

15 standards established by the American Driver and Traffic

16 Safety Education Association (ADTSEA).

17 (2) For Level Two instructor's license under subsection

18 (d)(2), a training program consisting of three (3) courses (the

19 two (2) courses described in subdivision (1) plus a third

20 course), including a combination of theoretical and

21 behind-the-wheel instruction that meets or exceeds nationally

22 accepted standards established by the American Driver and

23 Traffic Safety Education Association (ADTSEA).

24 (c) Each course required under subsection (b) must be designed
25 to consist of sufficient contact hours to be offered either for:

26 (1) college or university credit; or

27 (2) continuing education credits (CEU);

28 through a sponsoring institution. The courses must be offered
29 through an accredited college or university. All courses must be
30 completed within eighteen (18) months after beginning the training
31 program.

32 (d) The bureau shall issue the following:

33 (1) A Level One instructor's license to an individual who

34 completes the first two (2) courses of the training program

35 described in subsection (b)(1). A Level One instructor's

36 license permits the individual to provide the in-vehicle phase

37 of driver education training.

38 (2) A Level Two instructor's license to an individual who

39 completes all three (3) courses of the training program

40 described in subsection (b)(2). A Level Two instructor's

41 license permits the individual to provide the in-vehicle and

42 classroom phases of driver education training.



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1 **(e) To be eligible to obtain an instructor's license under**
 2 **subsection (d), an individual must meet all of the following**
 3 **additional requirements:**

4 ~~(2)~~ **(1)** The individual does not have more than the maximum
 5 number of points for violating traffic laws specified by the bureau
 6 by rules adopted under IC 4-22-2.

7 ~~(3)~~ **(2)** The individual has a good moral character, physical
 8 condition, knowledge of the rules of the road, and work history.
 9 The bureau shall adopt rules under IC 4-22-2 that specify the
 10 requirements, including requirements about criminal convictions,
 11 necessary to satisfy the conditions of this subdivision.

12 **(3) The individual has at least five (5) years of driving**
 13 **experience as a licensed driver.**

14 ~~(e)~~ The bureau shall issue an instructor's license to an individual
 15 who:

16 ~~(1)~~ during 1995, held an instructor's license;

17 ~~(2)~~ meets the requirements of subsection ~~(d)(2)~~ and ~~(d)(3)~~; and

18 ~~(3)~~ completes the twelve ~~(12)~~ semester hours of driver education
 19 courses required under subsection ~~(a)~~ not later than July 1, 1999.

20 However, an individual who has acted as an instructor for at least two
 21 ~~(2)~~ years before January 1, 1996, is not required to complete the
 22 requirements of subdivision ~~(3)~~ in order to receive an instructor's
 23 license under this subsection.

24 ~~(f)~~ The bureau shall issue an instructor's license to an individual
 25 who:

26 ~~(1)~~ holds a driver and traffic safety education endorsement issued
 27 by the professional standards board established under
 28 IC ~~20-1-1.4~~; and

29 ~~(2)~~ meets the requirements of subsection ~~(d)(2)~~ and ~~(d)(3)~~.

30 ~~(g)~~ ~~(f)~~ Only an individual who holds an instructor's license issued by
 31 the bureau under subsection (d) ~~(e)~~; or ~~(f)~~ may act as an instructor.

32 **(g) The bureau shall adopt rules under IC 4-22-2 necessary to**
 33 **carry out this section.**

34 SECTION 3. [EFFECTIVE UPON PASSAGE] **(a)**
 35 **Notwithstanding IC 9-27-4-5.5, as amended by this act, the bureau**
 36 **shall, after June 30, 2000, carry out the duties imposed upon it**
 37 **under IC 9-27-4-5.5, as amended by this act, under interim written**
 38 **guidelines approved by the bureau.**

39 **(b) This SECTION expires on the earlier of the following:**

40 **(1) The date rules are adopted under IC 9-27-4-5.5, as**
 41 **amended by this act.**

42 **(2) July 1, 2001.**



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1 SECTION 4. [EFFECTIVE UPON PASSAGE] (a)
2 Notwithstanding IC 9-27-4-5.5, as amended by this act, the
3 professional standards board shall amend its rules concerning the
4 driver and traffic safety endorsement to reflect the requirements
5 for a Level One and Level Two instructor's license as set forth in
6 IC 9-27-4-5.5, as amended by this act.
7 (b) This SECTION expires on the earlier of the following:
8 (1) The dates rules are adopted under IC 9-27-4-5.5, as
9 amended by this act.
10 (2) January 1, 2001.
11 SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1135, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.

(2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian or relative of the holder who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent or guardian of the holder who:

(1) is at least twenty-one (21) years of age; and

(2) holds a valid operator's, chauffeur's, or public passenger chauffeur's license."

Page 3, line 12, after "(d)" insert ",".

Page 3, line 12, delete "or (f)".

Page 3, strike lines 34 through 38.

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Page 3, line 39, strike "(2) meets the requirements of subsection".

Page 3, line 39, delete "(e).".

Page 3, line 40, strike "(g)" and insert "(f)".

Page 3, line 41, after "(d)" delete ",".

Page 3, line 41, strike "(e), or (f)".

Page 3, line 42, delete "(h)" and insert "(g)".

Page 4, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a)

Notwithstanding IC 9-27-4-5.5, as amended by this act, the professional standards board shall amend its rules concerning the driver and traffic safety endorsement to reflect the requirements for a Level One and Level Two instructor's license as set forth in IC 9-27-4-5.5, as amended by this act.

(b) This SECTION expires on the earlier of the following:

(1) The dates rules are adopted under IC 9-27-4-5.5, as amended by this act.

(2) January 1, 2001."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1135 as introduced.)

COOK, Chair

Committee Vote: yeas 9, nays 0.

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