
HOUSE BILL No. 1293

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6-3; IC 5-2-6.5; IC 9-13-2; IC 9-14-6; IC 9-24; IC 9-27; IC 9-29-12; IC 20-19-2-8; IC 20-25-13-5; IC 20-27-8-10; IC 20-28-11-4; IC 20-32-5-17; IC 20-33-3.

Synopsis: Driver education. Establishes the Indiana driver's education commission, charged with consulting and advising the bureau of motor vehicles (bureau) and the commissioner of the bureau and recommending the enactment, amendment, or repeal of rules concerning driver education. Requires the bureau to administer the licensing of: (1) approved driver education courses; (2) approved motorcycle driver education and training courses; (3) truck driver training schools; and (4) commercial driver training schools. Transfers rules adopted by the state board of education, the Indiana commission on proprietary education, and the Indiana criminal justice institute concerning driver education programs to the bureau. Makes conforming amendments. Repeals an expired section. Repeals language concerning the licensing of commercial driver training schools from the Indiana criminal justice institute to the bureau.

Effective: Upon passage; July 1, 2010.

Burton

January 12, 2010, read first time and referred to Committee on Roads and Transportation.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1293



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 5-2-6-3, AS AMENDED BY P.L.130-2009,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2010]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
 - 5 (A) the prevention, detection, and solution of criminal
 - 6 offenses;
 - 7 (B) law enforcement; and
 - 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Improve and coordinate all aspects of law enforcement,
- 10 juvenile justice, and criminal justice in this state.
- 11 (3) Stimulate criminal and juvenile justice research.
- 12 (4) Develop new methods for the prevention and reduction of
- 13 crime.
- 14 (5) Prepare applications for funds under the Omnibus Act and the
- 15 Juvenile Justice Act.
- 16 (6) Administer victim and witness assistance funds.
- 17 (7) Administer the traffic safety functions assigned to the institute



- 1 under IC 9-27-2.
- 2 (8) Compile and analyze information and disseminate the
- 3 information to persons who make criminal justice decisions in this
- 4 state.
- 5 (9) Serve as the criminal justice statistical analysis center for this
- 6 state.
- 7 (10) Identify grants and other funds that can be used by the
- 8 department of correction to carry out its responsibilities
- 9 concerning sex or violent offender registration under IC 11-8-8.
- 10 (11) Administer the application and approval process for
- 11 designating an area of a consolidated or second class city as a
- 12 public safety improvement area under IC 36-8-19.5.
- 13 (12) Develop and maintain a meth watch program to inform
- 14 retailers and the public about illicit methamphetamine production,
- 15 distribution, and use in Indiana.
- 16 (13) Establish, maintain, and operate, subject to specific
- 17 appropriation by the general assembly, a web site containing a list
- 18 of properties (as defined in IC 5-2-6-19(b)) that have been used
- 19 as the site of a methamphetamine laboratory.
- 20 (14) Develop and manage the gang crime witness protection
- 21 program established by section 21 of this chapter.
- 22 (15) Identify grants and other funds that can be used to fund the
- 23 gang crime witness protection program.
- 24 ~~(16) After December 31, 2008, Administer the licensing of:~~
- 25 ~~(A) commercial driver training schools; and~~
- 26 ~~(B) instructors at commercial driver training schools.~~
- 27 ~~(17)~~ **(16)** Administer any sexual offense services.
- 28 ~~(18)~~ **(17)** Administer domestic violence programs.
- 29 ~~(19)~~ **(18)** Administer assistance to victims of human sexual
- 30 trafficking offenses as provided in IC 35-42-3.5-4.
- 31 ~~(20)~~ **(19)** Administer the domestic violence prevention and
- 32 treatment fund under IC 5-2-6.7.
- 33 ~~(21)~~ **(20)** Administer the family violence and victim assistance
- 34 fund under IC 5-2-6.8.

35 SECTION 2. IC 9-13-2-4 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2010]: Sec. 4. "Approved driver education
 37 course" means a course offered by a high school or driver education
 38 school that the ~~superintendent of public instruction bureau~~ periodically
 39 designates as approved, after taking into consideration the standards
 40 and methods of instruction necessary to ensure adequate training for
 41 the operation of a motor vehicle.

42 SECTION 3. IC 9-13-2-5 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2010]: Sec. 5. "Approved motorcycle driver
2 education and training course" means:

3 (1) a course offered by a public or private secondary school, a
4 new motorcycle dealer, or other driver education school offering
5 motorcycle driver training as developed and approved by the
6 superintendent of public instruction and the bureau; or

7 (2) a course that is offered by a commercial driving school or new
8 motorcycle dealer and that is approved by the bureau.

9 SECTION 4. IC 9-13-2-27.7 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2010]: **Sec. 27.7. "College", for purposes of IC 9-27-6, has the
12 meaning set forth in IC 9-27-6-2.**

13 SECTION 5. IC 9-13-2-28, AS AMENDED BY P.L.107-2008,
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2010]: Sec. 28. ~~(a) This subsection expires January 1, 2009.~~
16 "Commercial driver training school" for purposes of ~~IC 9-24-10-4 and~~
17 ~~IC 9-27-4, has the meaning set forth in IC 9-27-4-2. means a business~~
18 **enterprise that:**

19 (1) **is conducted by an individual, an association, a**
20 **partnership, a limited liability company, or a corporation for**
21 **the education and training of persons, either practically or**
22 **theoretically, or both, to operate or drive motor vehicles or to**
23 **prepare an applicant for an examination or validation given**
24 **by the bureau for a driver's license; and**

25 (2) **charges consideration or tuition for the provision of**
26 **services;**

27 **but does not include a business enterprise that educates or trains**
28 **a person or prepares a person for an examination or a validation**
29 **given by the bureau to operate or drive a motor vehicle as a**
30 **vocation.**

31 ~~(b) This subsection applies after December 31, 2008. "Commercial~~
32 ~~driver training school", for purposes of ~~IC 9-24-10-4, has the meaning~~~~
33 ~~set forth in ~~IC 5-2-6.5-5.~~~~

34 SECTION 6. IC 9-13-2-47.5 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2010]: **Sec. 47.5. "Driver's education commission" means the**
37 **Indiana driver's education commission established by IC 9-14-6-1.**

38 SECTION 7. IC 9-13-2-80.5 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2010]: **Sec. 80.5. "Instructor", for purposes of IC 9-27-6, has the**
41 **meaning set forth in IC 9-27-6-3.**

42 SECTION 8. IC 9-13-2-188.5, AS AMENDED BY P.L.2-2007,

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1 SECTION 142, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: Sec. 188.5. "Truck driver training
3 school" means a postsecondary proprietary educational institution (as
4 defined in IC 21-17-1-13) located in Indiana and accredited by the
5 Indiana commission on proprietary education or a state educational
6 institution bureau that:

- 7 (1) educates or trains a person; or
8 (2) prepares a person for an examination or a validation given by
9 the bureau;
10 to operate a truck as a vocation.

11 SECTION 9. IC 9-14-6 IS ADDED TO THE INDIANA CODE AS
12 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2010]:

14 **Chapter 6. Indiana Driver's Education Commission**

15 **Sec. 1. The Indiana driver's education commission is established
16 to advise the commissioner and the bureau in the administration
17 of this article.**

18 **Sec. 2. The driver's education commission is composed of eight
19 (8) members as follows:**

- 20 (1) One (1) member to be appointed by the commissioner.
21 (2) One (1) member to be appointed by the state
22 superintendent of public instruction.
23 (3) One (1) member to be appointed by the executive director
24 of the Indiana criminal justice institute.
25 (4) Five (5) members to be appointed by the governor of
26 whom:
27 (A) one (1) member must be from the field of law
28 enforcement;
29 (B) two (2) members must be providers of driver education
30 in a public school; and
31 (C) two (2) members must be representatives of
32 commercial driver training schools.

33 **Sec. 3. Except as provided in section 11 of this chapter, a
34 member of the commission appointed under section 2 of this
35 chapter serves a three (3) year term. A member may not serve
36 more than two (2) consecutive full terms. Each member serves until
37 the member's successor is duly appointed and qualified.**

38 **Sec. 4. A member of the commission may be removed for good
39 cause.**

40 **Sec. 5. A vacancy on the commission shall be filled by
41 appointment for the unexpired term by the individual making the
42 original appointment.**

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1 **Sec. 6. A member of the commission is entitled to receive the**
2 **expenses and per diem allowed by law.**

3 **Sec. 7. The members of the commission shall annually elect a**
4 **chairperson of the commission from among the members at the**
5 **first meeting of the year.**

6 **Sec. 8. The commission shall meet during the first month of each**
7 **year. Additional meetings may be convened upon the written**
8 **request of any three (3) members.**

9 **Sec. 9. Five (5) members of the commission constitute a quorum**
10 **for doing business. The majority vote of the members of the**
11 **quorum, present and voting, is required for the passage of a matter**
12 **put to a vote of the commission.**

13 **Sec. 10. The commission is vested with the following powers:**
14 **(1) To consult with and advise the commissioner and the**
15 **bureau.**
16 **(2) To recommend the enactment, amendment, or repeal of**
17 **rules, including the following:**
18 **(A) Driver education objectives.**
19 **(B) Driver education program requirements.**
20 **(C) Driver education curricula.**
21 **(D) Driver education instructor qualifications.**

22 **Sec. 11. The initial terms of office for the five (5) individuals**
23 **appointed to the driver's education commission under section 2(4)**
24 **of this chapter are as follows:**
25 **(1) Two (2) members for a term of one (1) year.**
26 **(2) Two (2) members for a term of two (2) years.**
27 **(3) One (1) member for a term of three (3) years.**

28 **Sec. 12. Notwithstanding section 8 of this chapter, the driver's**
29 **education commission shall meet for its first meeting before**
30 **September 1, 2010.**

31 SECTION 10. IC 9-24-6-5.3, AS AMENDED BY P.L.2-2007,
32 SECTION 143, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2010]: Sec. 5.3. (a) The owner of a truck driver
34 training school or a state educational institution that operates a truck
35 driver training school as a course of study must notify the bureau:
36 (1) of a student's completion of a course of the truck driver
37 training school immediately after the student completes the
38 course; or
39 (2) of the termination of a student's instruction in the truck driver
40 training school immediately after the student's instruction
41 terminates.
42 (b) In addition to satisfying the requirements of IC 21-17-3-12(a);

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1 The owner of a truck driver training school must retain records relating
2 to each student of the truck driver training school for not less than six
3 (6) years.

4 SECTION 11. IC 9-24-6-5.5, AS AMENDED BY P.L.2-2007,
5 SECTION 144, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2010]: Sec. 5.5. (a) A truck driver training
7 school accredited by the ~~Indiana commission on proprietary education~~
8 **bureau** is subject to rules adopted by the ~~Indiana commission on~~
9 **proprietary education bureau**.

10 (b) A:
11 (1) student of a truck driver training school; and
12 (2) truck driver training school;
13 are subject to applicable rules adopted by the department of state
14 revenue.

15 SECTION 12. IC 9-24-8-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The bureau shall
17 issue a temporary motorcycle learner's permit to an individual who
18 meets the following conditions:

- 19 (1) Is at least fifteen (15) years of age.
- 20 (2) Is enrolled in an approved motorcycle driver education and
21 training course.
- 22 (3) Presents a certificate of enrollment to the bureau.
- 23 (4) Is not ineligible under IC 9-24-2-1.

24 (b) The bureau shall validate a temporary motorcycle learner's
25 permit upon certification by the instructor of an approved motorcycle
26 driver education and training course that the holder has satisfactorily
27 completed the course and passed the written test described in section
28 4 of this chapter.

29 (c) The holder of a validated temporary motorcycle learner's permit
30 may only operate a motorcycle under the following conditions:

- 31 (1) The holder must wear a helmet that meets the standards
32 established by the United States Department of Transportation
33 under 49 CFR 571.218 as in effect January 1, 1979.
- 34 (2) The motorcycle may be operated only during daylight hours.
- 35 (3) The motorcycle may not carry passengers other than the
36 operator.
- 37 (4) The holder must be under the supervision of a licensed
38 motorcycle operator who must be at least eighteen (18) years of
39 age.

40 (d) A temporary motorcycle learner's permit authorizes the permit
41 holder to operate a motorcycle upon a highway while enrolled in an
42 approved motorcycle driver education and training course and only

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1 when the holder is under the direct supervision of an instructor who has
 2 received training in the use and operation of motorcycles and who has
 3 been:

4 (1) certified to teach motorcycle driver education; ~~by the state~~
 5 ~~board of education;~~ or

6 (2) approved as a motorcycle instructor;

7 by the bureau. ~~of motor vehicles.~~

8 SECTION 13. IC 9-24-8-4, AS AMENDED BY P.L.156-2006,
 9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2010]: Sec. 4. (a) Except as provided in subsections (c) and
 11 (d), the bureau shall:

12 (1) issue a motorcycle operator's license; or

13 (2) validate an operator's, a chauffeur's, or a public passenger
 14 chauffeur's license for motorcycle operation upon a highway by
 15 endorsement;

16 to a person who meets the conditions in subsection (b).

17 (b) A person must meet at least one (1) of the following conditions
 18 to obtain a license or validation under subsection (a):

19 (1) Satisfactorily complete the written test, hold a motorcycle
 20 learner's permit for at least thirty (30) days, and:

21 (A) satisfactorily complete an approved operational skills test;
 22 or

23 (B) satisfactorily complete a motorcycle operator safety
 24 education course approved by the ~~department of education as~~
 25 ~~set forth in IC 20-30-13-9:~~ **bureau.**

26 (2) Hold a current motorcycle operator endorsement or
 27 motorcycle operator's license from any other jurisdiction and
 28 successfully complete the written test.

29 (c) The bureau may not issue a motorcycle operator's license or
 30 endorsement to an individual less than sixteen (16) years and thirty
 31 (30) days of age.

32 (d) If an applicant for a motorcycle license or license endorsement
 33 is less than eighteen (18) years of age, the bureau may not issue a
 34 license or validate a license described in subsection (a) if the applicant
 35 is ineligible under IC 9-24-2-1.

36 (e) The bureau shall develop and implement both a written test and
 37 an operational skills test that must be designed to determine whether
 38 an applicant for a motorcycle operator's license or endorsement is
 39 competent to operate a motorcycle upon a highway. The written test
 40 must be made available at license branch locations approved by the
 41 bureau. The operational skills test must be given at locations
 42 designated by the bureau. The bureau shall adopt rules by July 1, 2007,

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1 under IC 4-22-2 to establish standards for persons administering
2 operational skills tests and the provisions of the operational skills test.
3 An individual applying for a motorcycle operator's license or
4 endorsement must pass the written exam before taking the operational
5 skills test. If an applicant fails to satisfactorily complete either the
6 written or operational tests, the applicant may reapply for and must be
7 offered the examination upon the same terms and conditions as
8 applicants may reapply for and be offered examinations for an
9 operator's license. The bureau shall publish and make available at all
10 locations where an individual may apply for an operator's license
11 information concerning motorcycle operator licensing or endorsement.

12 (f) An individual who:

- 13 (1) has held a motorcycle learner's permit for at least thirty (30)
- 14 days; or
- 15 (2) holds a temporary motorcycle learner's permit, has
- 16 successfully completed an approved motorcycle driver education
- 17 and training course, and possesses a valid operator's, chauffeur's,
- 18 or public passenger chauffeur's license;

19 may apply for a motorcycle operator's license or endorsement not later
20 than the expiration date of the holder's permit. However, not more than
21 three (3) examinations may be allowed a holder during the period the
22 permit is valid. A holder of a learner's permit or a temporary learner's
23 permit who does not pass the written and operating skills examination
24 during the period for which the permit is valid must obtain a new
25 learner's permit.

26 SECTION 14. IC 9-27-6 IS ADDED TO THE INDIANA CODE AS
27 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2010]:

29 **Chapter 6. Commercial Driver Training Schools**

30 **Sec. 1. This chapter does not apply to the following:**

- 31 (1) A person giving driver training lessons without charge.
- 32 (2) Employers maintaining driver training schools without
- 33 charge for their employees only.
- 34 (3) Schools or classes conducted by colleges, universities, and
- 35 high schools for regularly enrolled students.

36 **Sec. 2. As used in this chapter, "college" means an accredited**
37 **college, a technical college, a university, or a junior college.**

38 **Sec. 3. As used in this chapter, "instructor" means the**
39 **following:**

- 40 (1) An individual, whether acting as the operator of a
- 41 commercial driver training school or on behalf of a
- 42 commercial driver training school, who for compensation

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teaches, conducts classes of, gives demonstrations to, or supervises the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.

(2) An individual who supervises the work of an instructor.

Sec. 4. (a) To establish or operate a commercial driver training school, the commercial driver training school must obtain a license from the bureau in the manner and form prescribed by the bureau.

(b) Subject to subsection (c), the bureau shall adopt rules under IC 4-22-2 that state the requirements for obtaining a commercial driver training school license, including the following:

- (1) Location of the commercial driver training school.
- (2) Equipment required.
- (3) Courses of instruction.
- (4) Instructors.
- (5) Previous records of the commercial driver training school and instructors.
- (6) Financial statements.
- (7) Schedule of fees and charges.
- (8) Character and reputation of the operators and instructors.
- (9) Insurance in the amount and with the provisions the bureau considers necessary to adequately protect the interests of the public.
- (10) Other matters the bureau prescribes for the protection of the public.

(c) The rules adopted under subsection (b) must permit a licensed commercial driver training school to provide classroom training during which an instructor is present in a county outside the county where the commercial driver training school is located to the students of:

- (1) a school corporation (as defined in IC 36-1-2-17);
- (2) a nonpublic secondary school that voluntarily becomes accredited under IC 20-19-2-8;
- (3) a nonpublic secondary school recognized under IC 20-19-2-10;
- (4) a state educational institution; or
- (5) a nonaccredited nonpublic school.

However, the rules must provide that a licensed commercial driver training school may provide classroom training in an entity listed in subdivisions (1) through (3) only if the governing body of the entity approves the delivery of the training to its students.

Sec. 5. (a) To be eligible for an instructor's license under

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1 subsection (d), an individual must complete at least sixty (60)
2 semester hours at a postsecondary educational institution. The
3 individual must:

4 (1) complete at least nine (9) semester hours in driver
5 education courses; and

6 (2) be at least twenty-one (21) years of age upon completion of
7 the driver education courses required by subdivision (1).

8 (b) The number of semester hours of driver education courses
9 required under subsection (a)(1) must include a combination of
10 theoretical and behind-the-wheel instruction that is consistent with
11 nationally accepted standards in traffic safety.

12 (c) The driver education semester hours completed under
13 subsection (a)(1) do not satisfy the requirements of subsection (d)
14 or (e) unless the driver education curriculum is approved by the
15 commission for higher education.

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

18 (1) The individual meets the requirements of subsection (a).

19 (2) The individual does not have more than the maximum
20 number of points for violating traffic laws specified by the
21 bureau by rules adopted under IC 4-22-2.

22 (3) The individual has a good moral character, physical
23 condition, knowledge of the rules of the road, and work
24 history. The bureau shall adopt rules under IC 4-22-2 that
25 specify the requirements, including requirements about
26 criminal convictions, necessary to satisfy the conditions of this
27 subdivision.

28 (4) The individual holds a driver and traffic safety education
29 endorsement issued by the department of education.

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

32 Sec. 6. (a) A license expires on the last day of the fiscal year and
33 may be renewed upon application to the bureau as prescribed by
34 rule. Each application for an original or renewal commercial
35 driver training school license or instructor's license must be
36 accompanied by payment of the license fee prescribed in
37 IC 9-29-12.

38 (b) A license fee may not be refunded if the license application
39 is rejected or the license is suspended or revoked.

40 Sec. 7. The bureau shall adopt rules under IC 4-22-2 that are
41 necessary to administer and enforce this chapter and to protect the
42 public.

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Sec. 8. The bureau shall do the following:

- (1) Inspect the following:**
 - (A) Commercial driver training school facilities.**
 - (B) Equipment of applicants and licensees.**
- (2) Examine applicants for instructor's licenses.**

Sec. 9. The bureau shall administer and enforce this chapter and may request assistance from the state superintendent of public instruction in developing and formulating appropriate rules.

Sec. 10. (a) The bureau may:

- (1) cancel;**
- (2) suspend;**
- (3) revoke;**
- (4) refuse to issue; or**
- (5) refuse to renew;**

a commercial driver training school license or an instructor's license if the bureau finds that a licensee or an applicant has not complied with or has violated this chapter or a rule adopted by the bureau under this chapter.

(b) A person who holds a license that has been canceled, suspended, or revoked under this section shall return the license to the bureau.

Sec. 11. The bureau, after due notice and opportunity for a fair hearing, may revoke, suspend, or refuse to renew a license issued under this chapter if it is shown that the person who holds the license:

- (1) no longer meets the requirements necessary to obtain the license; or**
- (2) has willfully violated this chapter or a rule adopted by the bureau.**

SECTION 15. IC 9-27-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 7. Driver Education

Sec. 1. (a) To establish or operate an approved driver education course, a school that teaches driver education must obtain a driver education license from the bureau in the manner and form prescribed by the bureau.

(b) The bureau shall determine by rule under IC 4-22-2 the manner of establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving), schools, and equipment. Classroom instruction standards established under this subsection must

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include instruction concerning:

- (1) railroad-highway grade crossing safety; and**
- (2) the procedure for participation in the human organ donor program;**

and must provide that the classroom instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

Sec. 2. (a) To establish or operate an approved motorcycle driver education and training course, a motorcycle driver education school must obtain a motorcycle driver education and training school license from the bureau in the manner and form prescribed by the bureau.

(b) The bureau shall adopt rules under IC 4-22-2 that state the requirements for:

- (1) obtaining a motorcycle driver education and training school license;**
- (2) obtaining a certification to teach motorcycle driver education; and**
- (3) motorcycle operator safety education courses.**

The rules must provide that a student in a motorcycle operator safety education course must be at least fifteen (15) years of age.

Sec. 3. (a) To establish or operate a truck driver training school, a school must obtain a truck driver training school license from the bureau in the manner and form prescribed by the institute.

(b) The bureau shall adopt rules under IC 4-22-2 that state the requirements for:

- (1) accreditation of a truck driver training school; and**
- (2) obtaining a truck driver training school license.**

Sec. 4. The bureau shall establish a uniform course of instruction and shall provide instructors, adequate meeting facilities, registration forms, and other necessary materials for the preservice school bus driver safety education meetings required by IC 20-27-8-10.

Sec. 5. The rules adopted under IC 4-22-2 by the state board of education before July 1, 2010, concerning the establishment and maintenance of minimum standards for driver education programs, including classroom instruction and practice driving, and equipment are considered after June 30, 2010, rules of the bureau.

Sec. 6. The rules adopted under IC 4-22-2 by the Indiana commission on proprietary education before July 1, 2010, concerning truck driver training schools are considered after June

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30, 2010, rules of the bureau.

Sec. 7. The rules adopted under IC 4-22-2 by the Indiana criminal justice institute before July 1, 2010, concerning commercial driver training schools are considered after June 30, 2010, rules of the bureau.

SECTION 16. IC 9-29-12-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 5. Each application for an original or a renewal school license fee under IC 9-27-6-6 must be accompanied by a:**

- (1) certified check;**
 - (2) corporate check; or**
 - (3) United States postal money order;**
- in the amount of one hundred dollars (\$100).**

SECTION 17. IC 9-29-12-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 6. Each application for an original or a renewal instructor's license under IC 9-27-6-6 must be accompanied by a:**

- (1) certified check;**
 - (2) corporate check; or**
 - (3) United States postal money order;**
- in the amount of ten dollars (\$10).**

SECTION 18. IC 20-19-2-8, AS AMENDED BY P.L.101-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:**

- (1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.
- (2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).
- (3) The establishment and maintenance of standards for student personnel and guidance services.

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1 (4) The establishment and maintenance of minimum standards for
 2 driver education programs (including classroom instruction and
 3 practice driving) and equipment. Classroom instruction standards
 4 established under this subdivision must include instruction about:

5 (A) railroad-highway grade crossing safety; and

6 (B) the procedure for participation in the human organ donor
 7 program;

8 and must provide, effective July 1, 2010, that the classroom
 9 instruction may not be provided to a child less than fifteen (15)
 10 years and one hundred eighty (180) days of age.

11 (5) (4) The inspection of all public schools in Indiana to
 12 determine the condition of the schools. The state board shall
 13 establish standards governing the accreditation of public schools.

14 Observance of:

15 (A) IC 20-31-4;

16 (B) IC 20-28-5-2;

17 (C) IC 20-28-6-3 through IC 20-28-6-7;

18 (D) IC 20-28-9-7 and IC 20-28-9-8;

19 (E) IC 20-28-11; and

20 (F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and
 21 IC 20-32-8;

22 is a prerequisite to the accreditation of a school. Local public
 23 school officials shall make the reports required of them and
 24 otherwise cooperate with the state board regarding required
 25 inspections. Nonpublic schools may also request the inspection
 26 for classification purposes. Compliance with the building and site
 27 guidelines adopted by the state board is not a prerequisite of
 28 accreditation.

29 (6) (5) Subject to section 9 of this chapter, the adoption and
 30 approval of textbooks under IC 20-20-5.

31 (7) (6) The distribution of funds and revenues appropriated for the
 32 support of schools in the state.

33 (8) (7) The state board may not establish an accreditation system
 34 for nonpublic schools that is less stringent than the accreditation
 35 system for public schools.

36 (9) (8) A separate system for recognizing nonpublic schools under
 37 IC 20-19-2-10. Recognition of nonpublic schools under this
 38 subdivision constitutes the system of regulatory standards that
 39 apply to nonpublic schools that seek to qualify for the system of
 40 recognition.

41 (10) (9) The establishment and enforcement of standards and
 42 guidelines concerning the safety of students participating in

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cheerleading activities.
(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 19. IC 20-25-13-5, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. Development and implementation of a staff performance evaluation plan for each school is a condition for accreditation for the school under ~~IC 20-19-2-8(a)(5)~~. **IC 20-19-2-8(a)(4).**

SECTION 20. IC 20-27-8-10, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) An individual who does not have at least thirty (30) days experience in driving a school bus during the three (3) year period immediately preceding the effective date of the individual's assignment as a school bus driver for a public or nonpublic school that is accredited by the state board within Indiana shall satisfactorily complete a preservice school bus driver safety education training course. The course may not exceed forty (40) hours.

- (b) Course attendance must be completed:
 - (1) before the assignment of an individual required to take the course as a school bus driver; or
 - (2) if immediate assignment is necessary, upon the completion of the next scheduled course following the assignment.

(c) The ~~state superintendent~~ **bureau of motor vehicles** shall provide instructors, adequate meeting facilities, registration forms, a uniform course of instruction, and all other necessary materials for the preservice school bus driver safety education meetings, **as provided under IC 9-27-7-4.**

SECTION 21. IC 20-28-11-4, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. Development and implementation of a plan is a condition of accreditation under ~~IC 20-19-2-8(a)(5)~~. **IC 20-19-2-8(a)(4).**

SECTION 22. IC 20-32-5-17, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) If a nonpublic school seeks accreditation as authorized under ~~IC 20-19-2-8(a)(5)~~, **IC 20-19-2-8(a)(4)**, the governing body of the nonpublic school is entitled to acquire at no charge from the department:

- (1) the ISTEP program test; and
- (2) the scoring reports used by the department.

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- 1 (b) The nonpublic school seeking accreditation must:
- 2 (1) administer the ISTEP program test to its students at the same
- 3 time that school corporations administer the test; and
- 4 (2) make available to the department the results of the ISTEP
- 5 program testing.

6 SECTION 23. IC 20-33-3-7, AS ADDED BY P.L.1-2005,
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2010]: Sec. 7. (a) This chapter applies to a child less than
 9 eighteen (18) years of age who is employed or is seeking employment
 10 in Indiana.

11 (b) A child less than eighteen (18) years of age who is a resident of
 12 Indiana and who requires an employment certificate shall obtain the
 13 employment certificate from the issuing officer of the:

- 14 (1) accredited school (as described in ~~IC 20-19-2-8(a)(5)~~)
- 15 **IC 20-19-2-8(a)(4)**) that the child attends; or
- 16 (2) school corporation in which the child resides.

17 (c) A child less than eighteen (18) years of age who is not a resident
 18 of Indiana and who requires an employment certificate to work in
 19 Indiana shall obtain the certificate from the issuing officer of the school
 20 corporation in which the child is:

- 21 (1) employed; or
- 22 (2) seeking employment.

23 The judge of a court with juvenile jurisdiction may suspend the
 24 application of this chapter in cases involving juvenile delinquents or
 25 incorrigibles whenever, in the opinion of the judge, the welfare of a
 26 child warrants this action.

27 SECTION 24. IC 20-33-3-8, AS AMENDED BY P.L.1-2007,
 28 SECTION 147, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The issuing officer in each
 30 accredited school (as described in ~~IC 20-19-2-8(a)(5)~~)
 31 **IC 20-19-2-8(a)(4)**) shall be an individual who is:

- 32 (1) a guidance counselor;
- 33 (2) a school social worker; or
- 34 (3) an attendance officer for the school corporation and a teacher
 35 licensed by the division of professional standards of the
 36 department under IC 20-28-4 or IC 20-28-5;

37 and designated in writing by the principal.

38 (b) During the times in which the individual described in subsection
 39 (a) is not employed by the school or when school is not in session, there
 40 shall be an issuing officer available:

- 41 (1) who is a teacher licensed by the division of professional
 42 standards of the department under IC 20-28-4 or IC 20-28-5; and

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1 (2) whose identity and hours of work shall be determined by the
 2 principal.
 3 SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE
 4 JULY 1, 2010]: IC 5-2-6.5; IC 9-13-2-80.
 5 SECTION 26. [EFFECTIVE UPON PASSAGE] (a) As used in this
 6 SECTION, "bureau" means the bureau of motor vehicles created
 7 by IC 9-14-1-1.
 8 (b) Notwithstanding IC 9-27-6-4(b), IC 9-27-6-5(d)(3),
 9 IC 9-27-6-7, IC 9-27-7-1(b), IC 9-27-7-2(b), and IC 9-27-7-3(b), all
 10 as added by this act, the bureau shall carry out the duties imposed
 11 upon the bureau under IC 9-27-6-4(b), IC 9-27-6-5(d)(3),
 12 IC 9-27-6-7, IC 9-27-7-1(b), IC 9-27-7-2(b), and IC 9-27-7-3(b), all
 13 as added by this act, under interim written guidelines approved by
 14 the commissioner of the bureau.
 15 (c) This SECTION expires on the earlier of the following:
 16 (1) The date rules are adopted under IC 9-27-6-4(b),
 17 IC 9-27-6-5(d)(3), IC 9-27-6-7, IC 9-27-7-1(b), IC 9-27-7-2(b),
 18 and IC 9-27-7-3(b), all as added by this act.
 19 (2) December 31, 2011.
 20 SECTION 27. An emergency is declared for this act.

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