HOUSE BILL No. 1110

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Driver education. Transfers the responsibilities concerning: (1) commercial driver training schools from the Indiana criminal justice institute; (2) motorcycle operator education and secondary school driver training from the department of education; and (3) truck driver training from the Indiana commission on proprietary education and the state department of revenue; to the bureau of motor vehicles (bureau). Establishes the driver education commission to develop policies and proposals for rules concerning driver education. Requires the bureau to adopt rules concerning driver education training, including rules pertaining to commercial driver training schools, certain driver education programs, and driver education instructors. Requires an applicant for an operator's license who is required to complete at least 50 hours of supervised practice driving to submit a log, under penalty of perjury, of the time driven to the commission before receiving the operator's license. Eliminates the employment position of driver examiner within the bureau. Requires the bureau to adopt rules concerning the administration of skills and written tests for driver's license applicants and to authorize service charges for the administration of a skills or written test by certain driver education instructors. Changes the term "road test" for purposes of examination of the ability to operate a motor vehicle to "skills test". Repeals the requirement that an examination for the issuance of a driver's license must be held in the county where the license branch office in which the application was made is located. Provides that certain rules pertaining to driver education adopted by the Indiana commission on proprietary education, the Indiana criminal justice institute, the department of state

(Continued next page)

Effective: Upon passage; July 1, 2011.

Hinkle

January 6, 2011, read first time and referred to Committee on Roads and Transportation.

C o p y

Digest Continued

revenue, and the state board of education concerning driver education are considered, after December 31, 2011, rules of the bureau. Provides for certain immunities pertaining to governmental entities and public employees for: (1) members of the driver education commission; and (2) driver education instructors making reports concerning the fitness of applicants to operate a motor vehicle. Establishes a driver education administration fee of $5, to be collected when a person is found to have committed certain offenses or infractions. Requires the driver education administration fee to be deposited in the motor vehicle highway account. Makes corresponding changes.

C o p y

Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1110

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

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

SECTION 1. IC 5-2-6.5-1, AS ADDED BY P.L.107-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a)** This chapter applies after December 31, 2008.

(b) This chapter expires December 31, 2011.

SECTION 2. IC 8-14-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this chapter:

(1) "Motor vehicle highway account" means the account of the general fund of the state known as the "motor vehicle highway account" to which is credited collections from motor vehicle registration fees, licenses, driver's and chauffeur's license fees, gasoline taxes, auto transfer fees, certificate of title fees, weight taxes or excise taxes and all other similar special taxes, duties or excises of all kinds on motor vehicles, trailers, motor vehicle fuel, or motor vehicle owners or operators. **The account also includes**

collections from the driver education administration fee established by IC 33-37-5-31 and fees collected under IC 9-27-6-9(d).

(2) The term "department" refers to the Indiana department of transportation.

(3) The term "highways" includes roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities or towns.

(4) The term "construction" means the planning, supervising, inspecting, actual building, draining, and all expenses incidental to the construction of a highway.

(5) The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof.

(6) The term "maintenance" when used in reference to cities, towns, and counties as applied to that part of the highway other than bridges, means the constant making of needed repairs, to preserve a smooth surfaced highway, adequately drained, marked and guarded by protective structures for public safety and, as to bridges, means the constant making of needed repairs to preserve a smooth surfaced highway thereon and the safety and preservation of the bridge and its approaches, together with the substructure and superstructure thereof; and such term also means and includes the acquisition and use, in any manner, of all needed equipment, fuel, materials, and supplies essential and incident thereto.

(7) The term "vehicle registration" means the number of vehicles subject to registration under IC 9-18 which are registered thereunder, and, when used with respect to the state, shall mean the number of vehicles registered in the state and, when used in respect to a county, city, or town, shall mean the number of vehicles registered by owners resident in the county, city, or town.

SECTION 3. IC 9-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. **(a) This subsection expires December 31, 2011.** "Approved motorcycle driver education and training course" means:

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

(2) a course that is offered by a commercial driving school or new

C o p y

motorcycle dealer and that is approved by the bureau.

(b) This subsection applies after December 31, 2011. "Approved motorcycle driver education and training course" means:

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

(2) a course that is:

(A) offered by a commercial driving school or new motorcycle dealer; and

(B) approved by the bureau.

SECTION 4. IC 9-13-2-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 19.5. "Certified chief instructor", for purposes of IC 9-27-7, has the meaning set forth in IC 9-27-7-2.**

SECTION 5. IC 9-13-2-28.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 28.5. "Commercial driver training school", for purposes of IC 9-27-6, has the meaning set forth in IC 9-27-6-3.**

SECTION 6. IC 9-13-2-80.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 80.5. "Instructor", for purposes of IC 9-27-6, has the meaning set forth in IC 9-27-6-4.**

SECTION 7. IC 9-13-2-188.5, AS AMENDED BY P.L.2-2007, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 188.5. **(a) This subsection expires December 31, 2011.** "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 21-17-1-13) located in Indiana and accredited by the Indiana commission on proprietary education or a state educational institution **subject to rules adopted by the bureau under IC 9-24-6-5.5** that:

(1) educates or trains a person; or

(2) prepares a person for an examination or a validation given by the bureau;

to operate a truck as a vocation.

(b) This subsection applies after December 31, 2011. "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 21-17-1-13) located in Indiana and subject to rules adopted by the bureau under IC 9-24-6-5.5 that:

(1) educates or trains a person; or

(2) prepares a person for an examination or a validation given

C o p y

by the bureau;

to operate a truck as a vocation.

SECTION 8. IC 9-14-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. **(a)** The bureau may adopt and enforce rules under IC 4-22-2 that are necessary to carry out this title.

(b) The rules adopted under IC 4-22-2 by the Indiana commission on proprietary education established by IC 21-17-2-1 concerning truck driver training schools are considered, after December 31, 2011, rules of the bureau.

(c) The rules adopted under IC 4-22-2 by the Indiana criminal justice institute established by IC 5-2-6-3 concerning commercial driver training schools are considered, after December 31, 2011, rules of the bureau.

(d) The rules adopted under IC 4-22-2 by the department of state revenue established by IC 6-8.1-2-1 concerning a student of a truck driver training school and a truck driver training school are considered, after December 31, 2011, rules of the bureau.

(e) The rules adopted under IC 4-22-2 by the Indiana state board of education established by IC 20-19-2-2 concerning driver education are considered, after December 31, 2011, rules of the bureau.

SECTION 9. IC 9-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) This section expires June 30, 2013.**

~~(a)~~ **(b)** The commissioner may appoint the individuals the commissioner considers necessary to examine applicants for permits or licenses under this title.

~~(b)~~ **(c)** An individual appointed by the commissioner under subsection ~~(a)~~ **(b)** shall conduct examinations of applicants for permits or licenses under this title and shall submit a written report to the bureau after each examination. The written report must include examination findings and recommendations based upon those findings.

SECTION 10. IC 9-19-10-1, AS AMENDED BY P.L.214-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) This section expires June 30, 2013.**

(b) This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

(1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11.

C o p y

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2).

(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 11. IC 9-19-10-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. (a) This section applies after June 30, 2013.**

(b) This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

(1) For medical reasons should not wear safety belts, if the occupant has written documentation of the medical reasons from a physician.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11.

(3) Is traveling in a commercial or United States Postal

C o p y

Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2).

(7) Is an occupant of a motor vehicle participating in a parade.

(8) Is an occupant of the living quarters area of a recreational vehicle.

(9) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(10) Is an occupant of the sleeping area of a tractor.

(11) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(12) Is an occupant other than the operator of a truck on a construction site.

(13) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(14) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 12. IC 9-24-3-1, AS AMENDED BY P.L.101-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section 2 or 2.5 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. ~~Effective July 1, 2010,~~ The form must include ~~a verification~~ **an attestation** concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 of this chapter to complete a certain number of hours of supervised driving practice in order to receive an operator's license. **The**

C o p y

parent or guardian of an applicant less than eighteen (18) years of age or an applicant at least eighteen (18) years of age shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for issuance of an operator's license under IC 9-24-10.

(4) Pays the fee prescribed by IC 9-29-9.

SECTION 13. IC 9-24-3-2.5, AS ADDED BY P.L.101-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. ~~(a) This section applies beginning July 1, 2010.~~

~~(b)~~ **(a)** Except as provided in section 3 of this chapter, an individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive an operator's license:

(1) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(2) The individual meets the following conditions:

(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

C o p y

(3) The individual meets the following conditions:
(A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.
(B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.
(C) Holds an unrevoked driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided for at least one hundred eighty (180) days.
(D) Passes the required examination.
(4) The individual meets the following conditions:
(A) Is at least eighteen (18) years of age.
(B) Has previously been a nonresident of Indiana but, at the time of application, qualifies as an Indiana resident.
(C) Has held an unrevoked operator's, chauffeur's, commercial driver's, or public passenger chauffeur's license from the state of prior residence.
(D) Passes the required examination.

(b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must submit to the commission under IC 9-24-9-2(d) evidence of the time logged in practice driving.

SECTION 14. IC 9-24-6-5.3, AS AMENDED BY P.L.2-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5.3. (a) The owner of a truck driver training school or a state educational institution that operates a truck driver training school as a course of study must notify the bureau:
(1) of a student's completion of a course of the truck driver training school immediately after the student completes the course; or
(2) of the termination of a student's instruction in the truck driver training school immediately after the student's instruction terminates.

(b) **This subsection expires December 31, 2011.** In addition to satisfying the requirements of IC 21-17-3-12(a), the owner of a truck driver training school must retain records relating to each student of the truck driver training school for not less than six (6) years.

(c) This subsection applies after December 31, 2011. The owner of a truck driver training school shall retain records relating to each student of the truck driver training school for at least six (6) years.

SECTION 15. IC 9-24-6-5.5, AS AMENDED BY P.L.2-2007,

C o p y

SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5.5. (a) **This subsection expires December 31, 2011.** A truck driver training school accredited by the Indiana commission on proprietary education is subject to rules adopted by the Indiana commission on proprietary education.

(b) A:

(1) student of a truck driver training school; and

(2) truck driver training school;

are subject to applicable rules adopted by the department of state revenue.

(c) This subsection applies after December 31, 2011. A:

(1) student of a truck driver training school; and

(2) truck driver training school;

are subject to applicable rules adopted by the bureau.

SECTION 16. IC 9-24-7-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. The bureau shall publish an online driving guide that may be used by the holder of a learner's permit and the parent of the holder of a learner's permit, if applicable. The driving guide must include a log that must be completed to show evidence of the completion of the hours of supervised practice driving required under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D).**

SECTION 17. IC 9-24-9-2, AS AMENDED BY P.L.184-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Before January 1, 2008, each application for a license or permit under this chapter must require the following information:

(1) The name, date of birth, sex, Social Security number, and mailing address, and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau:

(A) which address the license or permit shall contain; and

(B) whether the Social Security number or another distinguishing number shall be the distinctive identification number used on the license or permit.

(2) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(3) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

C o p y

(4) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(5) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

The bureau shall maintain records of the information provided under subdivisions (1) through (5).

(b) Except as provided in subsection (c), after December 31, 2007, each application for a license or permit under this chapter must require the following information:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) Whether the applicant has been subject to fainting spells or seizures.

(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

(12) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through (12).

(c) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under

C o p y

IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(d) In addition to the information required by subsection (b), an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D) must submit to the commission evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided.

SECTION 18. IC 9-24-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. An individual who applies for a permit or license under this chapter and who is required by this chapter to take an examination shall, upon applying for the permit or license:

(1) before July 1, 2013, appear before a member of the bureau designated by the commissioner; **or**

(2) appear before an instructor having an endorsement under IC 9-27-6-8 who did not instruct the individual applying for the license or permit in driver education;

and be examined concerning the applicant's qualifications and ability to operate a motor vehicle upon Indiana highways.

SECTION 19. IC 9-24-10-4, AS AMENDED BY P.L.126-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit must consist of a test of the applicant's eyesight and knowledge of IC 9-26-1-1.5. All other examinations must include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's ~~ability to exercise~~ **skill in exercising** ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the

C o p y

examination.

(c) The bureau:

(1) shall waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a ~~road~~ **skills** test given by a commercial driver training school or ~~a high school~~ driver education program **given by an entity licensed under IC 9-27-6-7; and**

(2) may waive the testing, other than testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test given by a commercial driver training school or an entity licensed under IC 9-27-6-7.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a ~~road~~ **skills** test given under subsection (c) ~~by a commercial driver training school or a high school driver education program.~~ **and the testing required under subsection (a)(1)(B) and (a)(1)(C).**

(e) An instructor having an endorsement under IC 9-27-6-8 who did not instruct the applicant for the license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

SECTION 20. IC 9-27-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 6. Driver Education Training

Sec. 1. This chapter applies after December 31, 2011.

Sec. 2. This chapter does not apply to the following:

(1) An individual giving driver training lessons without charge.

(2) Employers maintaining driver training schools without charge for employees of the employer only.

Sec. 3. (a) As used in this chapter, "commercial driver training school" means a business enterprise that:

(1) is conducted by an individual, an association, a

C o p y

partnership, a limited liability company, or a corporation for the education and training of persons, practically or theoretically, or both, to operate or drive motor vehicles or to prepare an applicant for an examination or validation under IC 9-24 for a driver's license; and

(2) charges consideration or tuition for the provision of services.

(b) The term does not include a business enterprise that educates or trains a person or prepares a person for an examination or a validation given by the bureau to operate or drive a motor vehicle as a vocation.

Sec. 4. As used in this chapter, "instructor" means the following:

(1) An individual, whether acting as the operator of a commercial driver training school or on behalf of a commercial driver training school, who for compensation teaches, conducts classes for, 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.

(3) An individual licensed under IC 20-28-5-1.

(4) An individual under the authority of a postsecondary proprietary educational institution (as defined in IC 21-17-1-13) who is teaching, conducting classes for, giving demonstrations to, or supervising the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.

(5) An individual under the authority of a state educational institution (as defined in IC 21-7-13-32) who is teaching, conducting classes for, giving demonstrations to, or supervising the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.

Sec. 5. (a) The driver education commission is established. The commission is a body corporate and politic, and though separate from the state, the exercise by the commission of the commission's powers constitutes an essential governmental function.

(b) The driver education commission is composed of seven (7) persons appointed by the governor as follows:

(1) Two (2) members must be driver education providers proposed by the membership of the Indiana Driver Education

C o p y

Association. Consideration must be given in the selection for instruction performed by a member in urban and rural areas.

(2) One (1) member must be a traffic safety advocate.

(3) One (1) member must be a representative of the bureau.

(4) One (1) member must be a representative of higher education.

(5) One (1) member must be a representative of the insurance industry.

(6) One (1) member must be a driver education professional.

(c) A member of the driver education commission serves a three (3) year term. A member may not serve more than two (2) consecutive full terms. Each appointed member serves until the member's successor is appointed and qualified.

(d) A member may be removed for good cause.

(e) A vacancy of a member appointed under subsection (b) shall be filled by appointment of the governor for the unexpired term.

(f) At the first meeting of the commission each year, the members shall elect:

(1) one (1) member to be the commission's chairperson;

(2) one (1) member to be the commission's vice chairperson; and

(3) one (1) member to be the commission's secretary.

(g) A vacancy in the office of chairperson or vice chairperson shall be filled by vote of the remaining members. The term of office of a person chosen to fill a vacancy expires at the first meeting of the commission the following year. The chairperson, vice chairperson, and secretary serve until their successors are appointed and qualified.

(h) Each member of the driver education commission is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the duties of the member as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency. Each member of the commission who is not a state employee is also entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).

(i) The driver education commission shall meet at least two (2) times a year. Additional meetings may be convened at the call of the chairperson of the driver education commission or the written request of any three (3) members.

(j) Four (4) members of the driver education commission constitute a quorum for doing business. The majority vote of the

C o p y

members of the quorum, present and voting, is required for the passage of a matter put to a vote of the driver education commission.

(k) The bureau shall provide staff and administrative support to the commission.

(l) The expenses of the driver education commission shall be paid from appropriations made to the bureau.

(m) The driver education commission is vested with the following powers:

(1) Develop and continuously update the bureau's policies regarding driver education.

(2) Recommend to the governor legislation that is needed to implement the policies developed by the driver education commission.

(3) Recommend to the bureau proposed rules that are needed to implement the policies developed by the driver education commission and require those proposed rules to be adopted under IC 4-22-2, including the following:

(A) Methods and procedures for the investigation and evaluation of the qualifications of applicants for licenses under sections 6 and 7 of this chapter and endorsements under section 8 of this chapter.

(B) The criteria upon which to issue, deny, suspend, renew, and revoke licenses and endorsements under section 10 of this chapter, including requirements for continuing education for instructors.

(C) Procedures for the investigation into and conduct of hearings on issuance, renewal, cancellation, suspension, or revocation of a license and an endorsement.

(D) Standards for classroom and in-car driver education curriculum (including classroom instruction, Internet instruction, and practice driving) and equipment. Classroom instruction standards established under this clause must include instruction about:

(i) railroad-highway grade crossing safety; and

(ii) 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.

(E) Limitations on the number of:

(i) hours an instructor may teach in a day; and

C o p y

(ii) classroom and driving hours in which a driver education student may participate during a day.

(F) Programs to improve parental involvement in driver education.

(G) Establishment and maintenance of standards for instructors of driver education, including individuals who instruct in secondary school driver education, commercial driver training schools, and higher education driver education.

(n) IC 34-13-3 applies to a claim or suit in tort against a member of the driver education commission.

Sec. 6. (a) To establish or operate a commercial driver training school, the commercial driver training school must obtain a commercial driver training school license from the bureau in the manner and form prescribed by the bureau.

(b) Subject to subsections (c) and (d), the bureau shall adopt rules under IC 4-22-2 that state the requirements for obtaining a commercial driver training school license. The rules adopted must be substantially equivalent to rules adopted under section 7(b) of this chapter.

(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.

(d) The rules adopted under subsection (b) must provide that the classroom training part of driver education instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

Sec. 7. (a) To establish or operate a driver education program under the authority of a:

C o p y

(1) school corporation (as defined in IC 36-1-2-17);
(2) nonpublic secondary school that voluntarily becomes accredited under IC 20-19-2-8;
(3) nonpublic secondary school recognized under IC 20-19-2-10;
(4) postsecondary proprietary educational institution (as defined in IC 21-17-1-13);
(5) state educational institution (as defined in IC 21-7-13-32); or
(6) nonaccredited nonpublic school;

the entity providing the training must obtain a school 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 school license. The rules adopted must be substantially equivalent to rules adopted under section 6(b) of this chapter.

(c) The rules adopted under subsection (b) must provide that the classroom training part of driver education instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

Sec. 8. (a) To be eligible to act as a driver education instructor, an individual must obtain an instructor's endorsement 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 and renewing an instructor's endorsement, including the requirements for continuing education for instructors. The rules must specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of subsection (c)(3).

(c) The bureau shall issue an instructor's endorsement to an individual who:
(1) meets the requirements of subsection (a) and rules adopted under subsection (b);
(2) does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2; and
(3) has a good moral character, physical condition, knowledge of the rules of the road, and work history.

Only an individual who holds an instructor's endorsement issued by the bureau under this subsection may act as an instructor.

Sec. 9. (a) A license issued under section 6 or 7 of this chapter or an endorsement issued under section 8 of this chapter expires on

C o p y

the last day of the fiscal year and may be renewed upon application to the bureau.

(b) The fee for a license issued under section 6 or 7 of this chapter or an endorsement issued under section 8 of this chapter must be prescribed by rule under section 5(m)(3) of this chapter.

(c) A license or endorsement fee may not be refunded if the license or endorsement application is rejected or the license is suspended or revoked.

(d) A license or endorsement fee collected under this section shall be deposited in the motor vehicle highway account fund established under IC 8-14-1.

Sec. 10. The bureau may refuse to issue, refuse to renew, cancel, suspend, or revoke a license or an endorsement issued under this chapter if it is shown that the person:

(1) who applied for the license or endorsement does not meet the requirements necessary to obtain the license or endorsement;

(2) no longer meets the requirements necessary to maintain the license or endorsement; or

(3) has willfully violated this chapter or a rule adopted by the bureau concerning driver education instruction.

SECTION 21. IC 9-27-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 7. Motorcycle Operator Safety Education Program

Sec. 1. This chapter applies after December 31, 2011.

Sec. 2. As used in this chapter, "certified chief instructor" means a licensed motorcycle operator who meets standards established by the bureau that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for instructors in motorcycle safety and education.

Sec. 3. The bureau shall develop and administer a motorcycle operator safety education program that, at a minimum, must:

(1) provide motorcycle operator education;

(2) provide instructor training;

(3) increase public awareness of motorcycle safety; and

(4) evaluate and recommend improvements to the motorcycle operator licensing system.

Sec. 4. The commissioner shall appoint:

(1) a program coordinator of the motorcycle operator safety education program developed under section 3 of this chapter who shall administer the motorcycle operator safety

C o p y

education program and conduct an annual evaluation; and

(2) a training specialist of the motorcycle operator safety education program developed under section 3 of this chapter who shall:

(A) establish approved motorcycle driver education and training courses throughout Indiana;

(B) set program and funding guidelines; and

(C) supervise instructors and other personnel as necessary.

The training specialist must be a certified chief instructor and hold a valid license to operate a motorcycle.

Sec. 5. The bureau may enter into contracts with regional training centers or any other sites approved by the commissioner for the conduct of approved motorcycle driver education and training courses. If necessary, course sites may charge a reasonable tuition fee for the courses.

Sec. 6. The commissioner shall appoint a five (5) member advisory committee consisting of at least three (3) active motorcyclists to serve in an advisory capacity to the program.

Sec. 7. The motorcycle operator safety education fund is established. The commissioner shall administer the fund. The fund consists of money received from motorcycle registrations as provided under IC 9-29. The money in the fund is appropriated to the bureau for the administration of the program and expenses related to the program, including:

(1) reimbursement for course sites;

(2) instructor training;

(3) purchase of equipment and course materials; and

(4) technical assistance.

SECTION 22. IC 9-29-5-2, AS AMENDED BY P.L.1-2010, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. **(a) This subsection expires December 31, 2011.** The fee for the registration of a motorcycle is seventeen dollars and thirty cents ($17.30). The revenue from this fee shall be allocated as follows:

(1) Seven dollars ($7) to the motorcycle operator safety education fund established by ~~IC 20-30-13-11.~~ **IC 9-27-7-7.**

(2) An amount prescribed as a license branch service charge under IC 9-29-3.

(3) Thirty cents ($0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.

(4) The balance to the state general fund for credit to the motor

C o p y

vehicle highway account.

(b) This subsection applies after December 31, 2011. The fee for the registration of a motorcycle is seventeen dollars and thirty cents ($17.30). The revenue from this fee shall be allocated as follows:

(1) Seven dollars ($7) to the motorcycle operator safety education fund established by IC 9-27-7-7.

(2) An amount prescribed as a license branch service charge under IC 9-29-3.

(3) Thirty cents ($0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.

(4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 23. IC 9-29-9-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. The bureau may adopt rules under IC 4-22-2 to authorize a service charge for the administration of a:**

(1) skills test under IC 9-24-10-4(a)(2); or

(2) written test under IC 9-24-10-4 (a)(1);

to an applicant for an operator's license who has not been instructed by the testing entity.

SECTION 24. IC 20-19-2-8, AS AMENDED BY P.L.101-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a) This section expires December 31, 2011.**

~~(a)~~ **(b)** 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).

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(3) The establishment and maintenance of standards for student personnel and guidance services.

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

(A) railroad-highway grade crossing safety; and

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

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

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

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

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

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

(E) IC 20-28-11; and

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

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

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

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

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

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

C o p y

(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

~~(b)~~ **(c)** 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 25. IC 20-19-2-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8.5. (a) This section applies after December 31, 2011.**

(b) 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 adopt only 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.

(4) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Accreditation of a school requires compliance with the following:

(A) IC 20-31-4.

(B) IC 20-28-5-2.

(C) IC 20-28-6-3 through IC 20-28-6-7.

(D) IC 20-28-9-7 and IC 20-28-9-8.

(E) IC 20-28-11.

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

Local public school officials shall make the reports the state

C o p y

board requires and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

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

(6) The distribution of funds and revenues appropriated for the support of schools in Indiana.

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

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

(9) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

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

SECTION 26. IC 20-25-13-5, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. **(a) This subsection applies before January 1, 2012.** 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(b)(5).**

(b) This subsection applies after December 31, 2011. Development and implementation of a staff performance evaluation plan for each school is a condition for accreditation for the school under IC 20-19-2-8.5(b)(4).

SECTION 27. IC 20-28-11-4, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a) This subsection applies before January 1, 2012.** Development and implementation of a plan is a condition of accreditation under ~~IC 20-19-2-8(a)(5).~~ **IC 20-19-2-8(b)(5).**

(b) This subsection applies after December 31, 2011. Development and implementation of a plan is a condition of accreditation under IC 20-19-2-8.5(b)(4).

SECTION 28. IC 20-30-13-0.5 IS ADDED TO THE INDIANA

C o p y

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter expires December 31, 2012.**

SECTION 29. IC 20-32-5-17, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) **This subsection applies before January 1, 2012.** If a nonpublic school seeks accreditation as authorized under ~~IC 20-19-2-8(a)(5),~~ **IC 20-19-2-8(b)(5),** 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.

(b) This subsection applies after December 31, 2011. If a nonpublic school seeks accreditation as authorized under IC 20-19-2-8.5(b)(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.

~~(b)~~ **(c)** The nonpublic school seeking accreditation must:

(1) administer the ISTEP program test to its students at the same time that school corporations administer the test; and

(2) make available to the department the results of the ISTEP program testing.

SECTION 30. IC 20-33-3-7, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) **This subsection applies before January 1, 2012.** A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

(1) accredited school (as described in ~~IC 20-19-2-8(a)(5)~~ **IC 20-19-2-8(b)(5))** that the child attends; or

(2) school corporation in which the child resides.

(c) This subsection applies after December 31, 2011. A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

(1) accredited school (as described in IC 20-19-2-8.5(b)(4)) that the child attends; or

(2) school corporation in which the child resides.

C o p y

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

(1) employed; or

(2) seeking employment.

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

SECTION 31. IC 20-33-3-8, AS AMENDED BY P.L.1-2007, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) **This subsection applies before January 1, 2012.** The issuing officer in each accredited school (as described in ~~IC 20-19-2-8(a)(5)~~ **IC 20-19-2-8(b)(5))** shall be an individual who is:

(1) a guidance counselor;

(2) a school social worker; or

(3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

(b) This subsection applies after December 31, 2011. The issuing officer in each accredited school (as described in IC 20-19-2-8.5(b)(4)) must be an individual who is:

(1) a guidance counselor;

(2) a school social worker; or

(3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

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

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

(2) whose identity and hours of work shall be determined by the principal.

SECTION 32. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss), SECTION 392, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction

C o p y

under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars ($120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

(6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(7) A child abuse prevention fee (IC 33-37-5-12).

(8) A domestic violence prevention and treatment fee (IC 33-37-5-13).

(9) A highway work zone fee (IC 33-37-5-14).

(10) A deferred prosecution fee (IC 33-37-5-17).

(11) A document storage fee (IC 33-37-5-20).

(12) An automated record keeping fee (IC 33-37-5-21).

(13) A late payment fee (IC 33-37-5-22).

(14) A sexual assault victims assistance fee (IC 33-37-5-23).

(15) A public defense administration fee (IC 33-37-5-21.2).

(16) A judicial insurance adjustment fee (IC 33-37-5-25).

(17) A judicial salaries fee (IC 33-37-5-26).

(18) A court administration fee (IC 33-37-5-27).

(19) A DNA sample processing fee (IC 33-37-5-26.2).

(20) A driver education administration fee (IC 33-37-5-31).

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars ($50); and

(2) a monthly user's fee of ten dollars ($10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

C o p y

(1) The pretrial diversion fee.
(2) The marijuana eradication program fee.
(3) The alcohol and drug services program user fee.
(4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) The clerk shall apply the partial payment to general court costs.
(2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.
(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.
(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.
(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

(f) The clerk shall transfer funds received from the driver education administration fees to the treasurer of state not later than thirty (30) days after the fees are collected.

SECTION 33. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss), SECTION 393, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or
(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars ($70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

C o p y

(2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
(3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
(4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
(5) A highway work zone fee (IC 33-37-5-14).
(6) A deferred prosecution fee (IC 33-37-5-17).
(7) A jury fee (IC 33-37-5-19).
(8) A document storage fee (IC 33-37-5-20).
(9) An automated record keeping fee (IC 33-37-5-21).
(10) A late payment fee (IC 33-37-5-22).
(11) A public defense administration fee (IC 33-37-5-21.2).
(12) A judicial insurance adjustment fee (IC 33-37-5-25).
(13) A judicial salaries fee (IC 33-37-5-26).
(14) A court administration fee (IC 33-37-5-27).
(15) A DNA sample processing fee (IC 33-37-5-26.2).
(16) A driver education administration fee (IC 33-37-5-31).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:
(1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
(2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
(3) The deferral program fee (subsection (e)).
The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:
(1) The defendant was charged with an ordinance violation subject to IC 33-36.
(2) The defendant denied the violation under IC 33-36-3.
(3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
(4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires

C o p y

payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars ($52); and

(2) a monthly user's fee not to exceed ten dollars ($10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

(g) The clerk shall transfer funds received from the driver education administration fees to the treasurer of state not later than thirty (30) days after the fees are collected.

SECTION 34. IC 33-37-4-3, AS AMENDED BY P.L.176-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars ($120) for each action filed under any of the following:

(1) IC 31-34 (children in need of services).

(2) IC 31-37 (delinquent children).

(3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(6) A document storage fee (IC 33-37-5-20).

(7) An automated record keeping fee (IC 33-37-5-21).

(8) A late payment fee (IC 33-37-5-22).

(9) A public defense administration fee (IC 33-37-5-21.2).

(10) A judicial insurance adjustment fee (IC 33-37-5-25).

(11) A judicial salaries fee (IC 33-37-5-26).

(12) A court administration fee (IC 33-37-5-27).

(13) A DNA sample processing fee (IC 33-37-5-26.2).

(14) A driver education administration fee (IC 33-37-5-31).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

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(1) The marijuana eradication program fee (IC 33-37-5-7).

(2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).

(3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

(d) The clerk shall transfer funds received from the driver education administration fees to the treasurer of state not later than thirty (30) days after the fees are collected.

SECTION 35. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 31. The court shall order a person to pay a driver education administration fee of five dollars ($5) to the clerk in each action in which a person is found to have:**

(1) committed an offense under IC 9-19, IC 9-20, IC 9-21, or IC 9-30;

(2) violated a statute defining an infraction under IC 9-19, IC 9-20, IC 9-21, or IC 9-30; or

(3) been adjudicated a delinquent child for an act that would be an offense under IC 9-19, IC 9-20, IC 9-21, or IC 9-30 if committed by an adult.

SECTION 36. IC 34-13-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. This chapter applies to a claim or suit in tort against any of the following:

(1) A member of the bureau of motor vehicles commission established under IC 9-15-1-1.

(2) An employee of the bureau of motor vehicles commission who is employed at a license branch under IC 9-16, except for an employee employed at a license branch operated under a contract with the commission under IC 9-16.

(3) A member of the driver education commission established by IC 9-27-6-5.

SECTION 37. IC 34-30-2-30.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 30.3. IC 9-24-10-4(e) (Concerning driver education instructors who did not instruct an applicant for a license or permit who make reports concerning the fitness of the applicant to operate a motor vehicle).**

SECTION 38. IC 9-24-10-3 IS REPEALED [EFFECTIVE JULY 1, 2011].

SECTION 39. [EFFECTIVE UPON PASSAGE] **(a) As used in this**

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SECTION, "bureau" means the bureau of motor vehicles created by IC 9-14-1-1.

(b) Notwithstanding IC 9-24-10-4(d), as amended by this act, and IC 9-27-6-5(m)(3), IC 9-27-6-6(b), IC 9-27-6-7(b), IC 9-27-6-8(b), IC 9-27-6-9(b), and IC 9-29-9-3.5, all as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it under IC 9-24-10-4(d), as amended by this act, and IC 9-27-6-5(m)(3), IC 9-27-6-6(b), IC 9-27-6-7(b), IC 9-27-6-8(b), IC 9-27-6-9(b), and IC 9-29-9-3.5, all as added by this act, under interim written guidelines approved by the commissioner of the bureau.

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

(1) The date rules are adopted under IC 9-24-10-4(d), as amended by this act, and IC 9-27-6-5(m)(3), IC 9-27-6-6(b), IC 9-27-6-7(b), IC 9-27-6-8(b), IC 9-27-6-9(b), and IC 9-29-9-3.5, all as added by this act.

(2) December 31, 2013.

SECTION 40. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" means the Indiana state board of education established by IC 20-19-2-2.**

(b) Notwithstanding IC 20-19-2-8.5(b), as added by this act, the board shall carry out the duties imposed upon it under IC 20-19-2-8.5(b), as added by this act, under interim written guidelines approved by the state superintendent of public instruction.

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

(1) The date rules are adopted under IC 20-19-2-8.5(b), as added by this act.

(2) December 31, 2012.

SECTION 41. **An emergency is declared for this act.**

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