

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 127**

Citations Affected: IC 5-2-6.5-1; IC 8-14-1-1; IC 9-13-2; IC 9-14-2; IC 9-24; IC 9-27; IC 9-29; IC 20-19-2; IC 20-25-13-5; IC 20-28-11-4; IC 20-30-13-0.5; IC 20-32-5-17; IC 20-33-3; IC 34-13-3-2; IC 34-30-2.

Synopsis: Driver's education. Conference committee report for ESB 127. 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 (commission) and the state department of revenue; to the bureau of motor vehicles (bureau). Establishes the driver education advisory board and 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 to the commission a log, under penalty of perjury, of the time driven before receiving the operator's license. Authorizes the bureau to adopt rules concerning 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". Permits an applicant for examination for the issuance of a driver's license to take the required written tests or skills test in any location in Indiana (current law requires the tests to be administered in the county where the license branch 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 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 advisory board; and (2) driver education instructors making reports concerning the fitness of applicants to operate a motor vehicle. Authorizes the bureau to issue a learner's permit to a person at least 15 years of age under certain conditions. Makes corresponding changes. **(This conference committee report: (1) deletes language eliminating the employment position of driver examiner within the bureau of motor vehicles; (2) adds state educational institutions in addition to postsecondary proprietary educational institutions as schools defined as truck**

driver training schools; (3) adds the provision concerning administration of driver's license tests in locations other than the county of the license application (instead of repealing the current requirement); (4) authorizes the bureau to issue a learner's permit to a person at least 15 years of age under certain conditions; (5) resolves conflicts with HEA 1429-2011 and SEA 494-2011; and (6) makes technical corrections.)

Effective: Upon passage; July 1, 2011.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 127 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 5-2-6.5-1, AS ADDED BY P.L.107-2008,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 1. **(a)** This chapter applies after December 31,
5 2008.
6 **(b) This chapter expires December 31, 2011.**
7 SECTION 2. IC 8-14-1-1 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this chapter:
9 (1) "Motor vehicle highway account" means the account of the
10 general fund of the state known as the "motor vehicle highway
11 account" to which is credited collections from motor vehicle
12 registration fees, licenses, driver's and chauffeur's license fees,
13 gasoline taxes, auto transfer fees, certificate of title fees, weight
14 taxes or excise taxes and all other similar special taxes, duties or
15 excises of all kinds on motor vehicles, trailers, motor vehicle fuel,
16 or motor vehicle owners or operators. **The account also includes**
17 **fees collected under IC 9-27-6-9(d).**
18 (2) The term "department" refers to the Indiana department of
19 transportation.
20 (3) The term "highways" includes roadway, rights of way, bridges,
21 drainage structures, signs, guard rails, protective structures in
22 connection with highways, drains, culverts, and bridges and the

1 substructure and superstructure of bridges and approaches thereto
2 and streets and alleys of cities or towns.

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

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

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

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

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

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

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

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

38 **(1) a course offered by a public or private secondary school,**
39 **a new motorcycle dealer, or another driver education school**
40 **offering motorcycle driver training as developed and**
41 **approved by the bureau; or**

42 **(2) a course that is:**

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

45 **(B) approved by the bureau.**

46 SECTION 4. IC 9-13-2-19.2 IS ADDED TO THE INDIANA CODE
47 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
48 1, 2011]: **Sec. 19.2. "Certified chief instructor", for purposes of**
49 **IC 9-27-7, has the meaning set forth in IC 9-27-7-2.**

50 SECTION 5. IC 9-13-2-28, AS AMENDED BY P.L.1-2010,
51 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2011]: Sec. 28. **(a)** "Commercial driver training school", for
 2 purposes of IC 9-24-10-4, has the meaning set forth in IC 5-2-6.5-5.

3 **(b) This section expires December 31, 2011.**

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

8 SECTION 7. IC 9-13-2-80.5 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2011]: **Sec. 80.5. "Instructor", for purposes of IC 9-27-6, has the
 11 meaning set forth in IC 9-27-6-4.**

12 SECTION 8. IC 9-13-2-188.5, AS AMENDED BY P.L.2-2007,
 13 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2011]: **Sec. 188.5. (a) This subsection expires
 15 December 31, 2011. "Truck driver training school" means a
 16 postsecondary proprietary educational institution (as defined in
 17 IC 21-17-1-13) located in Indiana and accredited by the Indiana
 18 commission on proprietary education or a state educational institution
 19 subject to rules adopted by the bureau under IC 9-24-6-5.5 that:**

20 (1) educates or trains a person; or

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

23 to operate a truck as a vocation.

24 **(b) This subsection applies after December 31, 2011. "Truck
 25 driver training school" means a postsecondary proprietary
 26 educational institution (as defined in IC 21-17-1-13) that:**

27 **(1) is located in Indiana or is a state educational institution;**

28 **(2) is subject to rules adopted by the bureau under
 29 IC 9-24-6-5.5; and**

30 **(3) either:**

31 **(A) educates or trains a person; or**

32 **(B) prepares a person for an examination or a validation
 33 given by the bureau;**

34 **to operate a truck as a vocation.**

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

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

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

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

50 **(e) The rules adopted under IC 4-22-2 by the Indiana state
 51 board of education established by IC 20-19-2-2 concerning driver**

1 **education are considered, after December 31, 2011, rules of the**
 2 **bureau.**

3 SECTION 10. IC 9-14-2-8 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: **Sec. 8. (a) Notwithstanding IC 9-24-10-4(d),**
 6 **IC 9-27-6-6(b), IC 9-27-6-7(b), IC 9-27-6-8(b), IC 9-27-6-9(b),**
 7 **IC 9-27-6-11, and IC 9-29-9-3.5, the bureau shall carry out the**
 8 **duties imposed upon it under IC 9-24-10-4(d), IC 9-27-6-6(b),**
 9 **IC 9-27-6-7(b), IC 9-27-6-8(b), IC 9-27-6-9(b), IC 9-27-6-11, and**
 10 **IC 9-29-9-3.5, through the adoption of interim written guidelines**
 11 **approved by the commissioner of the bureau.**

12 **(b) This section expires December 31, 2014.**

13 SECTION 11. IC 9-24-3-1, AS AMENDED BY P.L.101-2009,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 1. Except as otherwise provided in this article, the
 16 bureau shall issue an operator's license to an individual who meets the
 17 following conditions:

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

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

27 **(A) parent or guardian of an applicant less than eighteen**
 28 **(18) years of age; or**

29 **(B) applicant, if the applicant is at least eighteen (18) years**
 30 **of age;**

31 **shall attest in writing under penalty of perjury to the time**
 32 **logged in practice driving.**

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

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

36 SECTION 12. IC 9-24-3-2.5, AS ADDED BY P.L.101-2009,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 2.5. ~~(a) This section applies beginning July 1,~~
 39 ~~2010.~~

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

43 (1) The individual meets the following conditions:

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

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

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

50 (D) Passes the required examination.

51 (E) Completes at least fifty (50) hours of supervised driving

- 1 practice, of which at least ten (10) hours are nighttime driving,
 2 with:
- 3 (i) a licensed instructor or a licensed driver who is at least
 4 twenty-five (25) years of age; or
 5 (ii) the spouse of the individual who is at least twenty-one
 6 (21) years of age.
- 7 (2) The individual meets the following conditions:
- 8 (A) Is at least sixteen (16) years and two hundred seventy
 9 (270) days of age.
 10 (B) Has held a valid learner's permit for at least one hundred
 11 eighty (180) days.
 12 (C) Passes the required examination.
 13 (D) Completes at least fifty (50) hours of supervised driving
 14 practice, of which at least ten (10) hours are nighttime driving,
 15 with:
- 16 (i) a licensed instructor or a licensed driver who is at least
 17 twenty-five (25) years of age; or
 18 (ii) the spouse of the individual who is at least twenty-one
 19 (21) years of age.
- 20 (3) The individual meets the following conditions:
- 21 (A) Is at least sixteen (16) years and one hundred eighty (180)
 22 days of age but less than eighteen (18) years of age.
 23 (B) Has previously been a nonresident of Indiana, but, at the
 24 time of application, qualifies as an Indiana resident.
 25 (C) Holds an unrevoked driver's license, excluding a learner's
 26 permit or the equivalent, in the state or a combination of states
 27 in which the individual formerly resided for at least one
 28 hundred eighty (180) days.
 29 (D) Passes the required examination.
- 30 (4) The individual meets the following conditions:
- 31 (A) Is at least eighteen (18) years of age.
 32 (B) Has previously been a nonresident of Indiana but, at the
 33 time of application, qualifies as an Indiana resident.
 34 (C) Has held an unrevoked operator's, chauffeur's, commercial
 35 driver's, or public passenger chauffeur's license from the state
 36 of prior residence.
 37 (D) Passes the required examination.
- 38 **(b) An applicant who is required to complete at least fifty (50)**
 39 **hours of supervised practice driving under subsection (a)(1)(E) or**
 40 **(a)(2)(D) must submit to the commission under IC 9-24-9-2(d)**
 41 **evidence of the time logged in practice driving.**
- 42 SECTION 13. IC 9-24-6-5.3, AS AMENDED BY P.L.2-2007,
 43 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2011]: Sec. 5.3. (a) The owner of a truck driver
 45 training school or a state educational institution that operates a truck
 46 driver training school as a course of study must notify the bureau:
- 47 (1) of a student's completion of a course of the truck driver
 48 training school immediately after the student completes the
 49 course; or
 50 (2) of the termination of a student's instruction in the truck driver
 51 training school immediately after the student's instruction

1 terminates.

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

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

10 SECTION 14. IC 9-24-6-5.5, AS AMENDED BY P.L.2-2007,
11 SECTION 144, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2011]: Sec. 5.5. (a) **This subsection expires
13 December 31, 2011.** A truck driver training school accredited by the
14 Indiana commission on proprietary education is subject to rules
15 adopted by the Indiana commission on proprietary education.

16 (b) A:

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

18 (2) truck driver training school;

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

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

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

23 (2) **truck driver training school;**

24 **is subject to applicable rules adopted by the bureau.**

25 SECTION 15. IC 9-24-7-1, AS AMENDED BY P.L.101-2009,
26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2011]: Sec. 1. (a) This subsection expires June 30, 2010. The
28 bureau shall issue a learner's permit to an individual who meets the
29 following conditions:

30 (1) Is at least fifteen (15) years of age.

31 (2) If less than eighteen (18) years of age, is not ineligible under
32 IC 9-24-2-1.

33 (3) Is enrolled in an approved driver education course.

34 (b) This subsection applies beginning July 1, 2010, **and expires
35 September 1, 2011.** The bureau shall issue a learner's permit to an
36 individual who meets the following conditions:

37 (1) Is at least fifteen (15) years and one hundred eighty (180) days
38 of age.

39 (2) If less than eighteen (18) years of age, is not ineligible under
40 IC 9-24-2-1.

41 (3) Is enrolled in an approved driver education course.

42 (c) **This subsection applies beginning September 1, 2011. The
43 bureau shall issue a learner's permit to an individual who meets
44 the following conditions:**

45 (1) **Is at least fifteen (15) years of age.**

46 (2) **If less than eighteen (18) years of age, is not ineligible
47 under IC 9-24-2-1.**

48 (3) **Is enrolled in an approved driver education course.**

49 SECTION 16. IC 9-24-7-7 IS ADDED TO THE INDIANA CODE
50 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
51 UPON PASSAGE]: **Sec. 7. The bureau shall publish an online**

1 **driving guide that may be used by the holder of a learner's permit**
 2 **and the parent of the holder of a learner's permit, if applicable.**
 3 **The driving guide must include a log that must be completed to**
 4 **show evidence of the completion of the hours of supervised practice**
 5 **driving required under IC 9-24-3-2.5(a)(1)(E) or**
 6 **IC 9-24-3-2.5(a)(2)(D).**

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

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

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

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

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

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

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

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

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

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

38 (1) The full legal name of the applicant.

39 (2) The applicant's date of birth.

40 (3) The gender of the applicant.

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

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

43 (6) A:

44 (A) valid Social Security number; or

45 (B) verification of an applicant's:

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

47 (ii) identity and lawful status.

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

50 (8) Whether the applicant has been licensed as an operator, a
 51 chauffeur, or a public passenger chauffeur or has been the holder

- 1 of a learner's permit, and if so, when and by what state.
- 2 (9) Whether the applicant's license or permit has ever been
- 3 suspended or revoked, and if so, the date of and the reason for the
- 4 suspension or revocation.
- 5 (10) Whether the applicant has been convicted of a crime
- 6 punishable as a felony under Indiana motor vehicle law or any
- 7 other felony in the commission of which a motor vehicle was
- 8 used.
- 9 (11) Whether the applicant has a physical or mental disability,
- 10 and if so, the nature of the disability and other information the
- 11 bureau directs.
- 12 (12) The signature of the applicant.

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

15 (c) For purposes of subsection (b), an individual certified as a
 16 program participant in the address confidentiality program under
 17 IC 5-26.5 is not required to provide the individual's principal address
 18 and mailing address, but may provide an address designated by the
 19 office of the attorney general under IC 5-26.5 as the individual's
 20 principal address and mailing address.

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

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

- 32 (1) appear before a member of the bureau designated by the
- 33 commissioner; or
- 34 (2) appear before an instructor having an endorsement under
- 35 IC 9-27-6-8 who did not instruct the individual applying for
- 36 the license or permit in driver education;

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

39 SECTION 19. IC 9-24-10-3, AS AMENDED BY P.L.210-2005,
 40 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 3. **(a) Except as provided by subsection (b),**
 42 examinations shall be held in the county where the license branch
 43 office in which the application was made is located, within a
 44 reasonable length of time following the date of the application.

45 **(b) After June 30, 2011, an applicant may take any or all of the**
 46 **tests required by section 4(a)(1)(B), 4(a)(1)(C), and 4(a)(2) of this**
 47 **chapter at any location in Indiana.**

48 SECTION 20. IC 9-24-10-4, AS AMENDED BY P.L.126-2008,
 49 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 50 JULY 1, 2011]: Sec. 4. (a) Except as provided in subsection (c), an
 51 examination for a learner's permit must consist of a test of the

1 applicant's eyesight and knowledge of IC 9-26-1-1.5. All other
2 examinations must include the following:

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

4 (A) Eyesight.

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

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

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

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

18 (c) The bureau:

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

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

26 (A) an examination concerning:

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

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

29 (B) a skills test;

30 given by a commercial driver training school or an entity
31 licensed under IC 9-27-6-7.

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

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

41 (1) bureau;

42 (2) commission; or

43 (3) driver licensing medical advisory board;

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

47 SECTION 21. IC 9-27-6 IS ADDED TO THE INDIANA CODE AS
48 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
49 1, 2011]:

50 **Chapter 6. Driver Education Training**

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

- 1 **Sec. 2. This chapter does not apply to the following:**
2 (1) An individual giving driver training lessons without
3 charge.
4 (2) Employers maintaining driver training schools without
5 charge for employees of the employer only.
- 6 **Sec. 3. (a) As used in this chapter, "commercial driver training**
7 **school" means a business enterprise that:**
8 (1) is conducted by an individual, an association, a
9 partnership, a limited liability company, or a corporation for
10 the education and training of persons, practically or
11 theoretically, or both, to operate or drive motor vehicles or to
12 prepare an applicant for an examination or validation under
13 IC 9-24 for a driver's license; and
14 (2) charges consideration or tuition for the provision of
15 services.
16 (b) The term does not include a business enterprise that
17 educates or trains a person or prepares a person for an
18 examination or a validation given by the bureau to operate or drive
19 a motor vehicle as a vocation.
- 20 **Sec. 4. As used in this chapter, "instructor" means the**
21 **following:**
22 (1) An individual, whether acting as the operator of a
23 commercial driver training school or on behalf of a
24 commercial driver training school, who for compensation
25 teaches, conducts classes for, gives demonstrations to, or
26 supervises the practice of individuals learning to operate or
27 drive motor vehicles or preparing to take an examination for
28 a driver's license.
29 (2) An individual who supervises the work of an instructor.
30 (3) An individual licensed under IC 20-28-5-1.
31 (4) An individual under the authority of a postsecondary
32 proprietary educational institution (as defined in
33 IC 21-17-1-13) who is teaching, conducting classes for, giving
34 demonstrations to, or supervising the practice of individuals
35 learning to operate or drive motor vehicles or preparing to
36 take an examination for a driver's license.
37 (5) An individual under the authority of a state educational
38 institution (as defined in IC 21-7-13-32) who is teaching,
39 conducting classes for, giving demonstrations to, or
40 supervising the practice of individuals learning to operate or
41 drive motor vehicles or preparing to take an examination for
42 a driver's license.
- 43 **Sec. 5. (a) As used in this section, "board" refers to the driver**
44 **education advisory board established by subsection (b).**
45 (b) The driver education advisory board is established to advise
46 the commissioner in the administration of the policies of the
47 commission and the bureau regarding driver education.
48 (c) The board is composed of seven (7) individuals appointed by
49 the commissioner as follows:
50 (1) Three (3) members must be driver education professionals
51 endorsed by the bureau under section 8 of this chapter. In the

1 selection of individuals for membership under this
 2 subdivision, consideration must be given to driver education
 3 instruction performed in urban and rural areas.

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

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

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

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

10 (d) A member of the board serves a three (3) year term. A
 11 member may not serve more than two (2) consecutive full terms.
 12 Each member serves until the member's successor is appointed and
 13 qualified.

14 (e) A member of the board may be removed for good cause.

15 (f) A vacancy on the board shall be filled by the appointment by
 16 the commissioner of an individual to fill the position to which the
 17 vacating member was appointed under subsection (c) for the
 18 vacating member's unexpired term.

19 (g) At the first meeting of the board each year, the members
 20 shall elect:

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

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

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

24 The chairperson, vice chairperson, and secretary serve until their
 25 successors are elected and qualified.

26 (h) A vacancy in the office of chairperson, vice chairperson, or
 27 secretary shall be filled by vote of the members. The term of office
 28 of a board member chosen to fill a vacancy under this subsection
 29 expires at the first meeting of the board the following year.

30 (i) The driver education board shall meet at least two (2) times
 31 per year. Additional meetings may be convened at the call of the
 32 chairperson of the board or the written request of any three (3)
 33 members.

34 (j) Four (4) members of the board constitute a quorum for doing
 35 business. The majority vote of the members who constitute the
 36 quorum and are present and voting is required for the passage of
 37 a matter put to a vote of the board.

38 (k) The bureau shall provide staff and administrative support
 39 to the board.

40 (l) The board has the following powers:

41 (1) To consult with and advise the commissioner in the
 42 administration of the policies of the commission and the
 43 bureau regarding driver education.

44 (2) To suggest rules regarding the education and training of
 45 persons to operate or drive motor vehicles or to prepare a
 46 person for an examination or validation for a driver's license.

47 (m) A member of the board is not subject to liability in a civil
 48 action for bodily injury or property damage arising from or
 49 thought to have arisen from an action taken in good faith as a
 50 member of the board.

51 Sec. 6. (a) To establish or operate a commercial driver training

1 school, the commercial driver training school must obtain a
 2 commercial driver training school license from the bureau in the
 3 manner and form prescribed by the bureau.

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

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

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

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

25 (d) The rules adopted under subsection (b) must provide that
 26 the classroom training part of driver education instruction may not
 27 be provided to a child less than fifteen (15) years of age.

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

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

40 the entity providing the training must obtain a school license from
 41 the bureau in the manner and form prescribed by the bureau.

42 (b) Subject to subsection (c), the bureau shall adopt rules under
 43 IC 4-22-2 that state the requirements for obtaining a school license.
 44 The rules adopted must be substantially equivalent to rules
 45 adopted under section 6(b) of this chapter.

46 (c) The rules adopted under subsection (b) must provide that the
 47 classroom training part of driver education instruction may not be
 48 provided to a child less than fifteen (15) years of age.

49 **Sec. 8. (a) To be eligible to act as a driver education instructor,
 50 an individual must obtain an instructor's endorsement from the
 51 bureau in the manner and form prescribed by the bureau.**

1 **(b) Subject to subsection (c), the bureau shall adopt rules under**
 2 **IC 4-22-2 that state the requirements for obtaining and renewing**
 3 **an instructor's endorsement, including the requirements for**
 4 **continuing education for instructors. The rules must specify the**
 5 **requirements, including requirements about criminal convictions,**
 6 **necessary to satisfy the conditions of subsection (c)(3).**

7 **(c) The bureau shall issue an instructor's endorsement to an**
 8 **individual who:**

9 **(1) meets the requirements of subsection (a) and rules adopted**
 10 **under subsection (b);**

11 **(2) does not have more than the maximum number of points**
 12 **for violating traffic laws specified by the bureau by rules**
 13 **adopted under IC 4-22-2; and**

14 **(3) has a good moral character, physical condition, knowledge**
 15 **of the rules of the road, and work history.**

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

18 **Sec. 9. (a) A license issued under section 6 or 7 of this chapter or**
 19 **an endorsement issued under section 8 of this chapter expires on**
 20 **the last day of the fiscal year and may be renewed upon application**
 21 **to the bureau.**

22 **(b) The fee for a license issued under section 6 or 7 of this**
 23 **chapter or an endorsement issued under section 8 of this chapter**
 24 **must be prescribed by rule under section 11(1) of this chapter.**

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

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

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

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

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

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

41 **Sec. 11. In addition to adopting rules under sections 6(b), 7(b),**
 42 **8(b), and 9(b) of this chapter, the bureau shall adopt rules under**
 43 **IC 4-22-2 concerning the following:**

44 **(1) Methods and procedures for the investigation and**
 45 **evaluation of the qualifications of individuals applying for**
 46 **licenses under sections 6 and 7 of this chapter and**
 47 **endorsements under section 8 of this chapter.**

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

- 1 **(3) Procedures for:**
 2 **(A) the investigation into potential grounds for; and**
 3 **(B) conduct of hearings on;**
 4 **the issuance, renewal, cancellation, suspension, or revocation**
 5 **of a license or an endorsement.**
 6 **(4) Standards for classroom and in-car driver education**
 7 **curriculum (including classroom instruction, Internet**
 8 **instruction, and practice driving) and equipment. Classroom**
 9 **instruction standards established under this subdivision must**
 10 **provide for instruction about:**
 11 **(A) railroad-highway grade crossing safety; and**
 12 **(B) the procedure for participation in the human organ**
 13 **donor program;**
 14 **and must limit classroom instruction to students at least**
 15 **fifteen (15) years of age.**
 16 **(5) Limitations on the number of:**
 17 **(A) hours an instructor may teach in a day; and**
 18 **(B) classroom and driving hours in which a driver**
 19 **education student may participate during a day.**
 20 **(6) Programs to improve parental involvement in driver**
 21 **education.**
 22 **(7) Establishment and maintenance of standards for**
 23 **instructors of driver education, including:**
 24 **(A) secondary school driver education instructors;**
 25 **(B) commercial driver training school instructors; and**
 26 **(C) higher education driver education instructors.**
 27 SECTION 22. IC 9-27-7 IS ADDED TO THE INDIANA CODE AS
 28 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2011]:
 30 **Chapter 7. Motorcycle Operator Safety Education Program**
 31 **Sec. 1. This chapter applies after December 31, 2011.**
 32 **Sec. 2. As used in this chapter, "certified chief instructor"**
 33 **means a licensed motorcycle operator who meets standards**
 34 **established by the bureau that are equivalent to or more stringent**
 35 **than those established by the Motorcycle Safety Foundation for**
 36 **instructors in motorcycle safety and education.**
 37 **Sec. 3. The bureau shall develop and administer a motorcycle**
 38 **operator safety education program that, at a minimum, must:**
 39 **(1) provide motorcycle operator education;**
 40 **(2) provide instructor training;**
 41 **(3) increase public awareness of motorcycle safety; and**
 42 **(4) evaluate and recommend improvements to the motorcycle**
 43 **operator licensing system.**
 44 **Sec. 4. The commissioner shall appoint:**
 45 **(1) a program coordinator of the motorcycle operator safety**
 46 **education program developed under section 3 of this chapter**
 47 **who shall administer the motorcycle operator safety**
 48 **education program and conduct an annual evaluation; and**
 49 **(2) a training specialist of the motorcycle operator safety**
 50 **education program developed under section 3 of this chapter**
 51 **who shall:**

- 1 (A) establish approved motorcycle driver education and
2 training courses throughout Indiana;
3 (B) set program and funding guidelines; and
4 (C) supervise instructors and other personnel as necessary.

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

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

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

15 **Sec. 7. The motorcycle operator safety education fund is
16 established. The commissioner shall administer the fund. The fund
17 consists of money received from motorcycle registrations as
18 provided under IC 9-29. The money in the fund may be used for
19 the administration of the program and expenses related to the
20 program, including:**

- 21 (1) reimbursement for course sites;
22 (2) instructor training;
23 (3) purchase of equipment and course materials; and
24 (4) technical assistance.

25 **SECTION 23. IC 9-29-5-2, AS AMENDED BY P.L.1-2010,
26 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2011]: Sec. 2. (a) This subsection expires December 31,
28 2011. The fee for the registration of a motorcycle is seventeen dollars
29 and thirty cents (\$17.30). The revenue from this fee shall be allocated
30 as follows:**

- 31 (1) Seven dollars (\$7) to the motorcycle operator safety education
32 fund established by IC 20-30-13-11.
33 (2) An amount prescribed as a license branch service charge
34 under IC 9-29-3.
35 (3) Thirty cents (\$0.30) to the spinal cord and brain injury fund
36 under IC 16-41-42.2-3, as provided under section 0.5 of this
37 chapter.
38 (4) The balance to the state general fund for credit to the motor
39 vehicle highway account.

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

- 44 (1) Seven dollars (\$7) to the motorcycle operator safety
45 education fund established by IC 9-27-7-7.
46 (2) An amount prescribed as a license branch service charge
47 under IC 9-29-3.
48 (3) Thirty cents (\$0.30) to the spinal cord and brain injury
49 fund under IC 16-41-42.2-3, as provided under section 0.5 of
50 this chapter.
51 (4) The balance to the state general fund for credit to the

- 1 **motor vehicle highway account.**
- 2 SECTION 24. IC 9-29-9-3.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2011]: **Sec. 3.5. The bureau may adopt rules under IC 4-22-2 to**
- 5 **authorize a service charge for the administration of a:**
- 6 **(1) skills test under IC 9-24-10-4(a)(2); or**
- 7 **(2) written test under IC 9-24-10-4 (a)(1);**
- 8 **to an applicant for an operator's license who has not been**
- 9 **instructed by the testing entity.**
- 10 SECTION 25. IC 20-19-2-8, AS AMENDED BY HEA 1429-2011,
- 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2011]: **Sec. 8. (a) This section expires December 31, 2011.**
- 13 ~~(a)~~ **(b)** In addition to any other powers and duties prescribed by law,
- 14 the state board shall adopt rules under IC 4-22-2 concerning, but not
- 15 limited to, the following matters:
- 16 (1) The designation and employment of the employees and
- 17 consultants necessary for the department. The state board shall fix
- 18 the compensation of employees of the department, subject to the
- 19 approval of the budget committee and the governor under
- 20 IC 4-12-2.
- 21 (2) The establishment and maintenance of standards and
- 22 guidelines for media centers, libraries, instructional materials
- 23 centers, or any other area or system of areas in a school where a
- 24 full range of information sources, associated equipment, and
- 25 services from professional media staff are accessible to the school
- 26 community. With regard to library automation systems, the state
- 27 board may only adopt rules that meet the standards established by
- 28 the state library board for library automation systems under
- 29 IC 4-23-7.1-11(b).
- 30 (3) The establishment and maintenance of standards for student
- 31 personnel and guidance services.
- 32 (4) The establishment and maintenance of minimum standards for
- 33 driver education programs (including classroom instruction and
- 34 practice driving) and equipment. Classroom instruction standards
- 35 established under this subdivision must include instruction about:
- 36 (A) railroad-highway grade crossing safety; and
- 37 (B) the procedure for participation in the human organ donor
- 38 program;
- 39 and must provide, effective July 1, 2010, that the classroom
- 40 instruction may not be provided to a child less than fifteen (15)
- 41 years and one hundred eighty (180) days of age.
- 42 (5) The inspection of all public schools in Indiana to determine
- 43 the condition of the schools. The state board shall establish
- 44 standards governing the accreditation of public schools.
- 45 Observance of:
- 46 (A) IC 20-31-4;
- 47 (B) IC 20-28-5-2;
- 48 (C) IC 20-28-6-3 through IC 20-28-6-7;
- 49 (D) IC 20-28-9-7 and IC 20-28-9-8;
- 50 (E) IC 20-28-11; and
- 51 (F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and

- 1 IC 20-32-8;
 2 is a prerequisite to the accreditation of a school. Local public
 3 school officials shall make the reports required of them and
 4 otherwise cooperate with the state board regarding required
 5 inspections. Nonpublic schools may also request the inspection
 6 for classification purposes. Compliance with the building and site
 7 guidelines adopted by the state board is not a prerequisite of
 8 accreditation.
 9 (6) The distribution of funds and revenues appropriated for the
 10 support of schools in the state.
 11 (7) The state board may not establish an accreditation system for
 12 nonpublic schools that is less stringent than the accreditation
 13 system for public schools.
 14 (8) A separate system for recognizing nonpublic schools under
 15 IC 20-19-2-10. Recognition of nonpublic schools under this
 16 subdivision constitutes the system of regulatory standards that
 17 apply to nonpublic schools that seek to qualify for the system of
 18 recognition.
 19 (9) The establishment and enforcement of standards and
 20 guidelines concerning the safety of students participating in
 21 cheerleading activities.

22 ~~(b)~~ (c) Before final adoption of any rule, the state board shall make
 23 a finding on the estimated fiscal impact that the rule will have on
 24 school corporations.

25 SECTION 26. IC 20-19-2-8.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2011]: **Sec. 8.5. (a) This section applies after
 28 December 31, 2011.**

29 **(b) In addition to any other powers and duties prescribed by
 30 law, the state board shall adopt rules under IC 4-22-2 concerning,
 31 but not limited to, the following matters:**

32 **(1) The designation and employment of the employees and
 33 consultants necessary for the department. The state board
 34 shall fix the compensation of employees of the department,
 35 subject to the approval of the budget committee and the
 36 governor under IC 4-12-2.**

37 **(2) The establishment and maintenance of standards and
 38 guidelines for media centers, libraries, instructional materials
 39 centers, or any other area or system of areas in a school where
 40 a full range of information sources, associated equipment, and
 41 services from professional media staff are accessible to the
 42 school community. With regard to library automation
 43 systems, the state board may adopt only rules that meet the
 44 standards established by the state library board for library
 45 automation systems under IC 4-23-7.1-11(b).**

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

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

1 following:

2 (A) IC 20-31-4.

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

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

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

6 (E) IC 20-28-11.

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

8 IC 20-32-8.

9 **Local public school officials shall make the reports the state**
 10 **board requires and otherwise cooperate with the state board**
 11 **regarding required inspections. Nonpublic schools may also**
 12 **request the inspection for classification purposes. Compliance**
 13 **with the building and site guidelines adopted by the state**
 14 **board is not a prerequisite of accreditation.**

15 **(5) The distribution of funds and revenues appropriated for**
 16 **the support of schools in Indiana.**

17 **(6) The state board may not establish an accreditation system**
 18 **for nonpublic schools that is less stringent than the**
 19 **accreditation system for public schools.**

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

25 **(8) The establishment and enforcement of standards and**
 26 **guidelines concerning the safety of students participating in**
 27 **cheerleading activities.**

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

31 SECTION 27. IC 20-25-13-5, AS ADDED BY P.L.1-2005,
 32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2011]: Sec. 5. **(a) This subsection applies before January**
 34 **1, 2012.** Development and implementation of a staff performance
 35 evaluation plan for each school is a condition for accreditation for the
 36 school under ~~IC 20-19-2-8(a)(5)~~. **IC 20-19-2-8(b)(5).**

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

41 SECTION 28. IC 20-28-11-4, AS ADDED BY P.L.1-2005,
 42 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 JULY 1, 2011]: Sec. 4. **(a) This subsection applies before January**
 44 **1, 2012.** Development and implementation of a plan is a condition of
 45 accreditation under ~~IC 20-19-2-8(a)(5)~~. **IC 20-19-2-8(b)(5).**

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

49 SECTION 29. IC 20-30-13-0.5 IS ADDED TO THE INDIANA
 50 CODE AS A NEW SECTION TO READ AS FOLLOWS
 51 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter expires**

1 **December 31, 2011.**

2 SECTION 30. IC 20-32-5-17, AS ADDED BY P.L.1-2005,
3 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 17. (a) **This subsection applies before January**
5 **1, 2012.** If a nonpublic school seeks accreditation as authorized under
6 ~~IC 20-19-2-8(a)(5)~~, **IC 20-19-2-8(b)(5)**, the governing body of the
7 nonpublic school is entitled to acquire at no charge from the
8 department:

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

11 **(b) This subsection applies after December 31, 2011. If a**
12 **nonpublic school seeks accreditation as authorized under**
13 **IC 20-19-2-8.5(b)(4), the governing body of the nonpublic school is**
14 **entitled to acquire at no charge from the department:**

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

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

- 18 (1) administer the ISTEP program test to its students at the same
19 time that school corporations administer the test; and
20 (2) make available to the department the results of the ISTEP
21 program testing.

22 SECTION 31. IC 20-33-3-7, AS ADDED BY P.L.1-2005,
23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2011]: Sec. 7. (a) This chapter applies to a child less than
25 eighteen (18) years of age who is employed or is seeking employment
26 in Indiana.

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

- 31 (1) accredited school (as described in ~~IC 20-19-2-8(a)(5)~~
32 **IC 20-19-2-8(b)(5)**) that the child attends; or
33 (2) school corporation in which the child resides.

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

- 38 **(1) accredited school (as described in IC 20-19-2-8.5(b)(4))**
39 **that the child attends; or**
40 **(2) school corporation in which the child resides.**

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

- 45 (1) employed; or
46 (2) seeking employment.

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

51 SECTION 32. IC 20-33-3-8, AS AMENDED BY P.L.1-2007,

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

- 6 (1) a guidance counselor;
- 7 (2) a school social worker; or
- 8 (3) an attendance officer for the school corporation and a teacher
 9 licensed by the division of professional standards of the
 10 department under IC 20-28-4 or IC 20-28-5;

11 and designated in writing by the principal.

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

- 15 **(1) a guidance counselor;**
- 16 **(2) a school social worker; or**
- 17 **(3) an attendance officer for the school corporation and a**
 18 **teacher licensed by the division of professional standards of**
 19 **the department under IC 20-28-4 or IC 20-28-5;**

20 **and designated in writing by the principal.**

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

- 24 (1) who is a teacher licensed by the division of professional
 25 standards of the department under IC 20-28-4 or IC 20-28-5; and
- 26 (2) whose identity and hours of work shall be determined by the
 27 principal.

28 SECTION 33. IC 34-13-3-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. This chapter applies
 30 to a claim or suit in tort against any of the following:

- 31 (1) A member of the bureau of motor vehicles commission
 32 established under IC 9-15-1-1.
- 33 (2) An employee of the bureau of motor vehicles commission who
 34 is employed at a license branch under IC 9-16, except for an
 35 employee employed at a license branch operated under a contract
 36 with the commission under IC 9-16.
- 37 **(3) A member of the driver education advisory board**
 38 **established by IC 9-27-6-5.**

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

45 SECTION 35. IC 34-30-2-32.5 IS ADDED TO THE INDIANA
 46 CODE AS A NEW SECTION TO READ AS FOLLOWS
 47 [EFFECTIVE JULY 1, 2011]: **Sec. 32.5. (a) This section applies after**
 48 **December 31, 2011.**

49 **(b) IC 9-27-6-5(m) (Concerning members of the driver**
 50 **education advisory board).**

51 SECTION 36. [EFFECTIVE UPON PASSAGE] **(a) As used in this**

1 **SECTION, "board" means the Indiana state board of education**
2 **established by IC 20-19-2-2.**
3 **(b) Notwithstanding IC 20-19-2-8.5(b), as added by this act, the**
4 **board shall carry out the duties imposed upon it under**
5 **IC 20-19-2-8.5(b), as added by this act, under interim written**
6 **guidelines approved by the state superintendent of public**
7 **instruction.**
8 **(c) This SECTION expires on the earlier of the following:**
9 **(1) The date rules are adopted under IC 20-19-2-8.5(b), as**
10 **added by this act.**
11 **(2) December 31, 2012.**
12 **SECTION 37. An emergency is declared for this act.**
 (Reference is to ESB 127 as reprinted April 12, 2011.)

Conference Committee Report
on
Engrossed Senate Bill 127

Signed by:

Senator Holdman
Chairperson

Representative Hinkle

Senator Arnold

Representative Dembowski

Senate Conferees

House Conferees