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 20-19-2-8; IC 20-30-13-0.5; 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, SEA 1-2011, 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:

Delete everything after the enacting clause and insert the following:

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 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 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 another 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 9-13-2-19.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 19.2. "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, AS AMENDED BY P.L.1-2010, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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

(b) This section expires December 31, 2011.

SECTION 6. 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 7. 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 8. 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) that:

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

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

(3) either:

(A) educates or trains a person; or

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

to operate a truck as a vocation.

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

(b) This section expires December 31, 2014.

SECTION 11. 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:**

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

(B) applicant, if the applicant is 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 12. 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.

(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 13. 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 14. IC 9-24-6-5.5, AS AMENDED BY P.L.2-2007, 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;

is subject to applicable rules adopted by the bureau.

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

SECTION 20. 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 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 21. 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 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) As used in this section, "board" refers to the driver education advisory board established by subsection (b).

(b) The driver education advisory board is established to advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education.

(c) The board is composed of seven (7) individuals appointed by the commissioner as follows:

(1) Three (3) members must be driver education professionals endorsed by the bureau under section 8 of this chapter. In the

selection of individuals for membership under this subdivision, consideration must be given to driver education instruction performed 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.

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

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

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

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

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

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

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

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

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

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

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

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

(l) The board has the following powers:

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

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

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

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 of age.

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

(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 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 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 11(1) 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.

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

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

(2) 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.

(3) Procedures for:

(A) the investigation into potential grounds for; and

(B) conduct of hearings on;

the issuance, renewal, cancellation, suspension, or revocation of a license or an endorsement.

(4) 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 subdivision must provide for instruction about:

(A) railroad-highway grade crossing safety; and

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

and must limit classroom instruction to students at least fifteen (15) years of age.

(5) Limitations on the number of:

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

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

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

(7) Establishment and maintenance of standards for instructors of driver education, including:

(A) secondary school driver education instructors;

(B) commercial driver training school instructors; and

(C) higher education driver education instructors.

SECTION 22. 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 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 may be used 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 23. 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.

(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.

(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 24. 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 25. IC 20-19-2-8, AS AMENDED BY HEA 1429-2011, SECTION 4, AND BY SEA 1-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

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

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

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

(4) **This subdivision expires December 31, 2011.** 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 20-28-11.5; and

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

(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.

(10) Subject to IC 20-28-2, the preparation and licensing of teachers.

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

SECTION 26. IC 20-30-13-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter expires December 31, 2011.**

SECTION 27. 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 advisory board established by IC 9-27-6-5.

SECTION 28. 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 29. IC 34-30-2-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 32.5. (a) This section applies after December 31, 2011.**

1 **(b) IC 9-27-6-5(m) (Concerning members of the driver**
2 **education advisory board).**
3 SECTION 30. **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**