TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule
LSA Document #14-292

DIGEST

Adds 140 IAC 4-1.1, 140 IAC 4-1.2, 140 IAC 4-1.3, 140 IAC 4-1.4, 140 IAC 4-1.5, 140 IAC 4-4-1.1, 140 IAC 4-4-1.2, and 140 IAC 4-4-1.3 and amends 140 IAC 4-2-1, 140 IAC 4-4-1, 140 IAC 4-4-3, 140 IAC 4-4-6, 140 IAC 4-4-7, 140 IAC 4-4-8, and 140 IAC 4-4-9 concerning licensing of driver training providers and driver education instructors by the Bureau of Motor Vehicles, and creates operational, insurance, vehicle, and other requirements for licensure. Amends 140 IAC 4-4-11 concerning automatic failure of driving skills tests. Amends 140 IAC 7-1.1-1 and 140 IAC 7-3-13 and adds 140 IAC 7-5 concerning skills test examiners and truck driver training schools licensed by the Bureau of Motor Vehicles, and creates operational, insurance, vehicle, and other requirements for licensure. Repeals 140 IAC 4-4-2, 140 IAC 4-4-10, 140 IAC 10, and 140 IAC 11. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

140 IAC 4-1.1; 140 IAC 4-1.2; 140 IAC 4-1.3; 140 IAC 4-1.4; 140 IAC 4-1.5; 140 IAC 4-2-1; 140 IAC 4-4-1; 140 IAC 4-4-1.1; 140 IAC 4-4-1.2; 140 IAC 4-4-1.3; 140 IAC 4-4-2; 140 IAC 4-4-3; 140 IAC 4-4-6; 140 IAC 4-4-7; 140 IAC 4-4-8; 140 IAC 4-4-9; 140 IAC 4-4-10; 140 IAC 4-4-11; 140 IAC 7-1.1-1; 140 IAC 7-3-13; 140 IAC 7-5; 140 IAC 10; 140 IAC 11

SECTION 1. 140 IAC 4-1.1 IS ADDED TO READ AS FOLLOWS:

Rule 1.1. Driver Training and Education

140 IAC 4-1.1-1 Definitions

Authority: IC 9-14-2-2; IC 9-24-10-4; IC 9-27-6
Affected: IC 9-13-2; IC 9-27-6

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Behind-the-wheel training" means the practical portion of the student's training that takes place in a motor vehicle.

(c) "Bureau of motor vehicles" or "bureau" has the meaning set forth in IC 9-13-2-16.

(d) "Bureau of motor vehicles commission" or "commission" has the meaning set forth in IC 9-13-2-32.

(e) "Classroom training" means the classroom or Internet portion of a driver training course that instructs students on the laws and procedures regarding the proper operation of a motor vehicle.

(f) "Commissioner" has the meaning set forth in IC 9-13-2-33.

(g) "Course" means training offered by a school for the purpose of teaching safe operation of a motor vehicle, including classroom training or behind-the-wheel training, or both.

(h) "Driver training school" or "school" has the meaning set forth in IC 9-27-6-3(a).

(i) "Driver training school instructor license" or "instructor license" means the license required by IC 9-27-6-8.

(j) "Driver training school license" or "license" means the license required by IC 9-27-6-6.

(k) "Driving skills test" means the bureau approved standardized driving skills examination given by an instructor or state certified driver examiner pursuant to IC 9-24-10-4(a)(2).

(l) "Instructor" has the meaning set forth in IC 9-27-6-4.

(m) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(n) "Numbered stamp" means the stamp that the bureau issues and assigns to a driver training school participating in the driving skills test waiver program.

(o) "Owner" means anyone with an ownership interest of any kind in the school.

(p) "Student" means an individual who is actively enrolled in a driver training course and is receiving classroom training or behind-the-wheel training, or both, from a school.

(q) "Waiver" or "driving skills test waiver" means a waiver of a demonstration of an applicant's driving skill referenced by IC 9-24-10-4(c).

(Bureau of Motor Vehicles; 140 IAC 4-1.1-1)

SECTION 2. 140 IAC 4-1.2 IS ADDED TO READ AS FOLLOWS:

Rule 1.2. Driver Training Schools

140 IAC 4-1.2-1 Driver training school licensing

Authority: IC 9-14-2-2; IC 9-27-6-6; IC 9-27-6-11
Affected: IC 9-27-6-6; IC 9-27-6-10

Sec. 1. (a) In order to obtain a license, the owner of the driver training school must submit an application in the manner prescribed by the bureau that contains the following:
(1) The name, address, telephone number, and, if applicable, website address of the school's primary place of business.
(2) The name, address, telephone number, and e-mail address of the school's owner or owners.
(3) The address of all locations at which the school will conduct business.
(4) A schedule of all tuition, fees, and charges to be made by the school.
(5) A fingerprint-based full national criminal background check of each of the school's owners dated within ninety (90) days of the application.
(6) Samples of student contracts and registration forms to be used by the school.
(7) Copies of contracts or agreements with any person who conducts business with the school related to courses.
(8) A certificate of insurance demonstrating the minimum insurance coverage set forth in 140 IAC 4-1.5-2.
(9) Any further information that the bureau requests.

(b) An application for the renewal of an existing license must be submitted to the bureau on or before May 1 in even-numbered years in the manner prescribed by the bureau and must contain the information set forth in subsection (a).

(c) An owner must submit a separate application, and obtain a separate license, for each school owned.

(d) Licenses are not transferable.

(e) In the event of any change in the information submitted by an owner to the bureau under this section, the owner shall notify the bureau within ten (10) days.

(f) The owner shall provide any other documentation requested by the bureau.

(g) The owner may request amendments to existing licenses.

(h) The bureau may deny an owner's application for a license:
(1) if the application fails to demonstrate that the owner qualifies for a license under IC 9-27-6-6 or IC 9-27-6-10;
(2) if the owner provides false information to the bureau;
(3) if the owner has violated any statute or regulation pertaining to driver training schools; or
(4) for any other reasons set forth in applicable statutes or rules.

(i) The bureau shall review the background check submitted with an application for a license and shall deny the application if the applicant was convicted or found not guilty by reason of insanity in a civilian or military jurisdiction of any felony or crime involving dishonesty.

(Bureau of Motor Vehicles; 140 IAC 4-1.2-1)

140 IAC 4-1.2-2 Driver training school operations

Authority: IC 9-14-2-2; IC 9-27-6-6; IC 9-27-6-11
Affected: IC 20-19-2-8; IC 20-19-2-10; IC 21-17-13-32; IC 27-17-1-13; IC 36-1-2-17

Sec. 2. (a) Licensed schools may provide classroom training during which an instructor is present in a county outside the county in which the school is located to the students of the schools listed in IC 9-27-6-6(c), but must obtain advance written approval of the governing bodies of the entities listed in IC 9-27-6-6(c)(1), IC 9-27-6-6(c)(2), and IC 9-27-6-6(c)(3) before providing such training.

(b) A school shall not:
(1) operate from a residential dwelling;
(2) provide classroom training to a child less than fifteen (15) years of age;
(3) employ any current employee of the bureau or the commission or any member of their immediate family;
(4) allow any person to provide driver training unless the person is properly licensed as an instructor;
(5) solicit persons for driver training at any of the bureau's places of business;
(6) falsify or tamper with any records;
(7) knowingly assist a person in obtaining driving privileges from the bureau by fraud;
(8) use a name that implies any affiliation with the bureau or any other state or local government agency, except when the school is an entity defined under IC 36-1-2-17, IC 20-19-2-8, IC 20-19-2-10, IC 27-17-1-13, IC 21-17-13-32 or a nonaccredited nonpublic school; or
(9) market or advertise its services in a false, deceptive, or misleading manner.

(c) A school shall publicly display its license in all of its locations during office hours or course hours.

(d) A school may state that it is licensed by the bureau, but a school shall not state that it is supervised, recommended, or endorsed by the bureau.

(e) A school shall create and maintain a contract, registration form, or other document signed by the student that states the following:
(1) The agreed price for driver training per hour, lesson, or course.
(2) All other charges to be made to the student.
(3) A description of the training the student must receive (classroom, online, behind-the-wheel, or a combination of these).

(f) The school shall make available to each student, in printed form or on the school's website, the bureau approved "Code of Responsibilities for Driver Education Students" and "Bill of Rights for Driver Education Students".

(g) Subject to space requirements, a school must allow parental attendance at classroom training.

(h) In the event the school or owner receives notice of:
(1) civil legal action filed against an owner or school;
(2) civil legal action filed against an instructor employed by the school that is related to driver training; or
(3) a criminal investigation, arrest, or conviction of an instructor, owner, or school;
the owner shall notify the bureau within one (1) business day and provide any information regarding the action, investigation, arrest, or conviction to the bureau upon request.

(i) In the event of a collision during behind-the-wheel training or a driving skills test, the owner shall report the collision to the bureau within five (5) business days and provide any information regarding the collision to the bureau upon request.

(Bureau of Motor Vehicles; 140 IAC 4-1.2-2)

140 IAC 4-1.2-3 Online driver training school requirements

Authority: IC 9-14-2-2; IC 9-27-6-6; IC 9-27-6-11
Affected: IC 9-27-6-6

Sec. 3. A driver training school shall not accept certificates of completion of classroom training from online schools unless the following requirements are met:
(1) The online classroom training curriculum complies with the classroom training requirements of 140 IAC 4-4-1.1.
(2) The online classroom training format and curriculum, and any revisions thereof, are approved by the bureau.
(3) Students completing classroom training online are enrolled at a driver training school licensed by the bureau and are at least fifteen (15) years of age.
(4) The online classroom training provider clearly states, on the enrollment page of the provider's website, the following: "Students seeking Indiana driving privileges must be enrolled at a driver training school licensed by the Indiana Bureau of Motor Vehicles and must be at least 15 years of age to earn credit for completing online driver training.".

(Bureau of Motor Vehicles; 140 IAC 4-1.2-3)

SECTION 3. 140 IAC 4-1.3 IS ADDED TO READ AS FOLLOWS:

Rule 1.3. Driver Training Instructors

140 IAC 4-1.3-1 Driver training instructor licensing application and renewals

Authority: IC 9-14-2-2; IC 9-27-6-8; IC 9-27-6-11
Affected: IC 9-27-6

Sec. 1. (a) In order to obtain an instructor's license, a person must submit an application in the manner prescribed by the bureau that contains the following:
(1) The name, address, date of birth, Social Security number, telephone number, and driver's license number of the applicant.
(2) A fingerprint-based full national criminal background check of the applicant dated within ninety (90) days of the application.
(3) A certified copy of the applicant's driver record from the state that issued his or her current driver's license.
(4) A statement or statements from a physician on a form prescribed by the bureau, dated within

twelve (12) months of the application date, certifying the applicant's:
(A) mental ability;
(B) minimum corrected visual acuity of 20/40 in each eye;
(C) visual fields of not less than fifty-five (55) degrees in each eye;
(D) absence of communicable diseases; and
(E) absence of a medical condition that may affect the applicant's ability to operate a vehicle safely, give demonstrations, or supervise students operating motor vehicles.
(5) The name and address of each of the applicant's employers for the past five (5) years.
(6) Two (2) letters from persons who are not blood relatives that the applicant has good moral character.
(7) Documents demonstrating that the instructor meets the minimum qualifications set forth in subsection (g).
(8) Any further information requested by the bureau.

(b) Persons applying to provide instruction only for classroom training may so indicate in their application and need not submit evidence of the minimum visual acuity standards or ability to operate a vehicle safety. The bureau may grant such applicants instructor's licenses that are restricted to classroom instruction.

(c) An application for the renewal of an instructor's license must:
(1) be filed with the bureau on or before May 1 in even-numbered years; and
(2) contain the information set forth in subsection (a)(1), (a)(2), (a)(4), and (a)(6) through (a)(8).

(d) In the event of any change in the information submitted to the bureau under subsection (a), the instructor shall notify the bureau of the changes within ten (10) days.

(e) The instructor shall provide any other documentation requested by the bureau.

(f) The instructor may request amendments to an existing license.

(g) The bureau shall not issue an instructor's license unless the applicant demonstrates that he or she:
(1) has earned sixty (60) semester credit hours at a postsecondary educational institution;
(2) had nine (9) hours of driver education training that included theoretical and behind-the-wheel training consistent with nationally accepted standards in traffic safety and was a part of a curriculum approved by the commission for higher education that may be included as part of the requirements of subdivision (1);
(3) is a citizen or lawful permanent resident of the United States;
(4) is at least twenty-one (21) years of age; and
(5) has held a valid driver's license for at least one (1) year.

(h) The bureau may deny an application for an instructor's license:
(1) if the application fails to demonstrate that the applicant qualifies for a license under IC 9-27-6-8 or IC 9-27-6-10;
(2) if the applicant provides false information to the bureau;
(3) if the applicant has violated any statute or regulation pertaining to driver training schools; or
(4) for any other reasons set forth in applicable statutes or rules.

(i) The bureau shall review the background check submitted with an application for an instructor license and shall deny the application if the applicant was convicted or found not guilty by reason of insanity in a civilian or military jurisdiction of any felony or crime involving dishonesty.

(j) The bureau shall review the driver's record of each applicant for an instructor's license and shall deny the application if the applicant has ten (10) or more points under the points system at 140 IAC 1-4.5.

(k) There is no continuing education requirement for instructors.

(Bureau of Motor Vehicles; 140 IAC 4-1.3-1)

140 IAC 4-1.3-2 Driver training instructor requirements

Authority: IC 9-14-2-2; IC 9-27-6-8; IC 9-27-6-11
Affected: IC 9-27-6-8; IC 9-27-6-11

Sec. 2. (a) An instructor shall:
(1) provide student driver training that meets the curriculum requirements set forth in this article;
(2) accurately complete all applicable student driver records required in this article;
(3) ensure that the student possesses a valid learner's permit or license before giving behind-the-wheel training;
(4) carry his or her instructor's license while providing driver training; and
(5) carry his or her driver's license while providing behind-the-wheel training.

(b) An instructor shall not:
(1) falsify or tamper with any records;
(2) knowingly assist a person in obtaining driving privileges from the bureau by fraud;
(3) provide driver training to any person who is not enrolled in a driver training school, unless the person is a member of the instructor's immediate family;
(4) allow any student to participate in driver training if the instructor has a reasonable belief that the student is under the influence of an intoxicant;
(5) provide driver training if the instructor is under the influence of an intoxicant;
(6) provide driver training if the instructor's driver's license is expired, suspended, disqualified, or revoked by the bureau or any other jurisdiction or the instructor's license is expired, suspended, or revoked; or
(7) teach driver training more than twelve (12) hours in a calendar day.

(Bureau of Motor Vehicles; 140 IAC 4-1.3-2)

SECTION 4. 140 IAC 4-1.4 IS ADDED TO READ AS FOLLOWS:

Rule 1.4. Driver Training Licensing Fees

140 IAC 4-1.4-1 Fees

Authority: IC 9-14-2-2; IC 9-27-6-9; IC 9-27-6-11
Affected: IC 9-27-6; IC 21-7-13-32; IC 36-1-2-17

Sec. 1. (a) The fee for an application for an instructor's license is ten dollars ($10).

(b) The fee for renewal of an instructor's license is ten dollars ($10).

(c) The fee for an amendment of an instructor's license is five dollars ($5).

(d) The fee for an application for a driver training school license is one hundred dollars ($100) per location.

(e) The fee for renewal of a driver training school license is one hundred dollars ($100) per location.

(f) The fee for an amendment of a driver training school license is twenty dollars ($20) per location.

(g) School corporations as defined in IC 36-1-2-17 and state educational institutions as defined in IC 21-7-13-32 are exempt from the driver training school license, renewal, and amendment fees.

(h) If an application for an instructor's license or a driver training school license is denied, and the application is resubmitted within sixty (60) days of the denial, there is no fee for the resubmission.

(Bureau of Motor Vehicles; 140 IAC 4-1.4-1)

SECTION 5. 140 IAC 4-1.5 IS ADDED TO READ AS FOLLOWS:

Rule 1.5. Administration

140 IAC 4-1.5-1 Criteria upon which to suspend or revoke a driver training school or instructor license

Authority: IC 9-14-2-2; IC 9-27-6
Affected: IC 9-27-6

Sec. 1. (a) In addition to any reason set forth in applicable statute or rule, the bureau may suspend or revoke a driver training school license or instructor's license for any of the following reasons if the owner, school, or instructor:
(1) No longer meets the requirements of licensure.
(2) Violates any statute or regulation pertaining to driver training.
(3) Provides driver training that is inconsistent with the laws and rules of the state of Indiana.
(4) Provides false information to the bureau.
(5) Fails to cooperate in any audit conducted by the bureau.

(b) The bureau may issue a written warning, impose a suspension, or revoke a license or instructor license in the event of a violation. In determining an appropriate action, the bureau may consider the following criteria:
(1) The severity of the violation or its impact on the safety of the public.
(2) The number of similar or related violations.
(3) Whether the violations were willful or intentional.
(4) Whether the violations involved dishonesty.
(5) The history of prior violations.

(c) In the event the bureau suspends or revokes a driver training school license or an instructor's license, the bureau shall notify the owner or owners listed on the school license application or the instructor, as applicable, by first class mail.

(Bureau of Motor Vehicles; 140 IAC 4-1.5-1)

140 IAC 4-1.5-2 Insurance

Authority: IC 9-14-2-2; IC 9-27-6
Affected: IC 9-27-6-6; IC 9-27-6-11

Sec. 2. (a) The bureau shall review the insurance coverage of each applicant for a driver training school license and shall deny the application unless the owner demonstrates that it has secured a policy of insurance that contains the following minimum coverage:
(1) One hundred thousand dollars ($100,000) because of bodily injury to or death of any one (1) person and subject to said limit respecting one (1) person.
(2) Three hundred thousand dollars ($300,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident.
(3) Twenty-five thousand dollars ($25,000) because of injury to or destruction of property in any one (1) accident.

(b) An owner shall submit a certificate of insurance demonstrating the existence of the minimum coverages provided by this section each time the owner acquires an additional vehicle.

(c) An owner shall maintain the minimum coverages set forth in this section for all vehicles used by the school during the duration of the owner's license.

(Bureau of Motor Vehicles; 140 IAC 4-1.5-2)

140 IAC 4-1.5-3 Audits, investigations, and records

Authority: IC 9-14-2-2; IC 9-27-6
Affected: IC 9-27-6-8; IC 9-27-6-11

Sec. 3. (a) The bureau may audit or investigate an owner or school to confirm compliance with Indiana laws and rules related to driver training.

(b) Each school shall keep the following records in its primary place of business and available for inspection by the bureau:
(1) Documents demonstrating the school's qualifications to hold a license.
(2) Student records for each student of the school for the previous two (2) years that include the following information:
(A) Name.
(B) Address.
(C) Date of birth.
(D) Date of course commencement.
(E) Date of course completion.
(F) Names of the instructors who provided driver training.
(G) Types of instruction completed.
(H) Numbers of hours of instruction completed.
(I) Official driving skills test score sheets, if applicable.

(c) A school shall permit representatives of the bureau to inspect and copy its records and inspect its premises upon request during the bureau's normal operating hours.

(Bureau of Motor Vehicles; 140 IAC 4-1.5-3)

140 IAC 4-1.5-4 Hearings

Authority: IC 9-14-2-2; IC 9-27-6
Affected: IC 4-21.5; IC 9-27-6

Sec. 4. An owner or instructor whose license application has been denied, or whose license or instructor license has been suspended or revoked, is entitled to an administrative hearing consistent with IC 4-21.5.

(Bureau of Motor Vehicles; 140 IAC 4-1.5-4)

SECTION 6. 140 IAC 4-2-1 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-2-1 Waiver of age and experience requirements

Authority: IC 9-14-2-2; IC 9-24-3-3; IC 9-24-4-2
Affected: IC 9-24-3; IC 9-24-4

Sec. 1. (a) ~~To obtain~~ **The bureau may grant** a hardship waiver of the age and experience requirements for an initial operator's **or chauffeur's** license ~~a waiver applicant must show proof that:~~ **if it is determined either of the following conditions for a hardship are demonstrated by the applicant:**
(1) The applicant would be the only licensed driver in the applicant's household, a household member owns or leases a properly registered motor vehicle, and a household member needs the individual to operate the motor vehicle to enable a household member to receive regularly required medical care. ~~or~~
(2) The applicant ~~must be~~ **is** the primary means of financial support for the family and no alternative means of transportation exists from another family member or from public transportation to get **to** and from the applicant's place of employment. ~~and~~
~~(3) an applicant under sixteen (16) years of age satisfactorily completed an approved driver education course; and~~

~~(4) the applicant's driving privileges have never been suspended, revoked, invalidated, canceled, or the subject of any other similar action.~~

(b) To obtain a hardship waiver of the age and experience requirements for an initial chauffeur's license, a waiver applicant must **also** show proof that

~~(1)~~ the applicant has employment as a chauffeur with an entity that is legally authorized to provide chauffeur services. ~~and~~

~~(2) the~~

(c) An applicant's driving privileges **must not be or** have ~~not~~ been suspended, revoked, invalidated, canceled, or the subject of any other similar action.

~~(c)~~ **(d)** Each applicant must ~~follow the following procedures for obtaining a waiver:~~

~~(1)~~ submit a written request ~~to the Commissioner for a waiver application.~~

~~(2) After the Bureau forwards a waiver application to the requesting party, the applicant must return the completed application to~~ **on a form prescribed by** the bureau for ~~its~~ review and investigation.

~~(3) If approved, the applicant will receive a written waiver that may be presented to any branch at the time of application for an initial operator or chauffeur's driver's license.~~

(e) If a waiver is granted, the applicant will receive a written waiver that may be presented to any branch at the time of application for an initial operator or chauffeur's license.

~~(4)~~ **(f)** This waiver does not ~~effect~~ **affect** any requirement as to the written, vision, and driving tests.

~~(d)~~ **(g)** The commissioner ~~within his or her discretion~~ may alter any of the foregoing procedures when in his or her opinion an extreme emergency exists.

(Bureau of Motor Vehicles; Driver Examiner Rule 15; filed Jan 14, 1980, 11:50 a.m.: 3 IR 160; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 7. 140 IAC 4-4-1 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-1 Application

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 9-27-4

Sec. 1. This rule applies to all ~~commercial~~ driver training schools ~~high school driver education programs,~~ and state driver examiners.

(Bureau of Motor Vehicles; 140 IAC 4-4-1; filed Nov 12, 1998, 3:00 p.m.: 22 IR 970; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 26, 2013, 11:22 a.m.: 20131225-IR-140130487RFA)

SECTION 8. 140 IAC 4-4-1.1 IS ADDED TO READ AS FOLLOWS:

140 IAC 4-4-1.1 Driver classroom training standards

Authority: IC 9-14-2-2; IC 9-27-6
Affected: IC 9-27-6

Sec. 1.1. Driver training schools shall provide classroom training that includes instruction on the following subjects:

(1) Knowledge of Indiana motor vehicle statutes and administrative rules related to the operation of a motor vehicle.

(2) Railroad-highway grade crossing safety.

(3) Safe driving practices, including how to avoid drivers who display aggressive and unsafe behavior.

(4) Driving techniques for different types of roads and road surfaces and for safe driving near pedestrians, trains, and other vehicles, including, but not limited to, cars, trucks, bicycles, motorcycles, and motor driven cycles.
(5) Driver responsibility, including, but not limited to, automobile maintenance, insurance, use of safety belts and child restraints, passenger safety, and implied consent laws.
(6) Defensive driving practices and techniques.
(7) Accident reporting.
(8) Mental attitudes and physical characteristics as related to the operation of a motor vehicle.
(9) How driver use of alcohol, drugs, inhalants, or other substances affects driving ability.
(10) Distracted driving, including the consequences of using cell phones and other hand held devices while driving.
(11) Maintenance of a motor vehicle.
(12) Handling of driver emergencies.
(13) Driving skills, including, but not limited to, lane changing, lane positioning, signaling, merging, signage, highway markings, highway design features as they relate to safe driving, backing, and parallel parking.
(14) Procedure for participation in the organ donation program.

(Bureau of Motor Vehicles; 140 IAC 4-4-1.1)

SECTION 9. 140 IAC 4-4-1.2 IS ADDED TO READ AS FOLLOWS:

140 IAC 4-4-1.2 Behind-the-wheel driver training standards

Authority: IC 9-14-2-2; IC 9-27-6
Affected: IC 9-27-6

Sec. 1.2. Driver training schools shall provide behind-the-wheel training that includes instruction on and demonstration of the following in a dual-controlled motor vehicle:
(1) Stopping.
(2) Starting.
(3) Shifting.
(4) Lane changing.
(5) Lane positioning.
(6) Merging.
(7) Signaling.
(8) Backing.
(9) Parallel parking.
(10) Steering.
(11) School zones.
(12) Speed zones.
(13) Intersections.
(14) General driving behavior.
(15) Dual lanes and multi-lanes.
(16) Railroad-highway grade crossing safety.
(17) Managing space around the vehicle by adjusting speed and position to avoid conflicts and reduce risk.
(18) Sharing the road with other vehicles with special emphasis on motorcycles, bicycles, and large trucks.
(19) Distracted driving.

(Bureau of Motor Vehicles; 140 IAC 4-4-1.2)

SECTION 10. 140 IAC 4-4-1.3 IS ADDED TO READ AS FOLLOWS:

140 IAC 4-4-1.3 Driver training school vehicle standards

Authority: IC 9-14-2-2; IC 9-27-6-6; IC 9-27-6-11
Affected: IC 9-27-6-6; IC 9-27-6-11

Sec. 1.3. (a) Any motor vehicles owned or leased by a school for behind-the-wheel training must:

(1) possess a current registration and license plate for that vehicle;
(2) not be more than ten (10) years older than the vehicle's year of manufacture;
(3) be equipped with the following:
(A) A foot brake control for both the student driver and the instructor, connected either by mechanical or hydraulic means.
(B) One (1) rearview mirror placed on the inside of the motor vehicle.
(C) Two (2) outside rearview mirrors, one (1) on each side of the vehicle.
(D) Safety belts;
(4) contain markings that identify the vehicle as a driver training vehicle that are visible from the left, right, and rear sides of the vehicle; and
(5) be maintained in safe mechanical and physical condition.

(b) The following must be kept in the vehicle at all times during behind-the-wheel training:
(1) A completed school vehicle inspection form as prescribed by the bureau.
(2) The vehicle registration and current insurance information.

(Bureau of Motor Vehicles; 140 IAC 4-4-1.3)

SECTION 11. 140 IAC 4-4-3 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-3 Certified driver education forms

Authority: IC 9-14-2-2; IC 9-27-6
Affected: IC 9-27-6

Sec. 3. A certified driver education **(CDE)** form ~~shall~~ **must** be issued to all persons applying for enrollment in a driver education course. The ~~driver~~ **school or** instructor shall ~~postdate the forms~~ not **issue a CDE form to a student** more than three (3) weeks prior to the date the driver education class is scheduled to begin.

(Bureau of Motor Vehicles; 140 IAC 4-4-3; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 12. 140 IAC 4-4-6 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-6 Hours of instruction; invalidation

Authority: IC 9-14-2-2; IC 9-27-6-6; IC 9-27-6-11
Affected: IC 9-24-7-2; IC 9-27-6

Sec. 6. (a) In addition to any other requirements, every student shall attend a minimum of thirty (30) hours of classroom ~~instruction~~ **training** and six (6) hours of behind-the-wheel ~~instruction~~ **training** to complete a driver education class successfully and to be eligible for a **driving skills test** waiver.

(b) If a student fails to attend the required minimum number of hours of instruction, or fails to complete a driver education class successfully, the ~~driver education~~ school shall notify the bureau in writing, within ten (10) days, that the student failed to attend or successfully complete the class. The bureau shall ~~invalidate~~ **expire** the student's learner's permit upon receipt of said notification.

(c) A student may not complete more than three (3) hours of classroom training in a calendar day, and may not complete more than one (1) hour of behind-the-wheel training in a calendar day.

(d) Individuals who have successfully completed either the classroom training or behind-the-wheel training phase of an approved course at a licensed school may transfer that phase of the course to another licensed school if:
(1) the second school is willing to complete the unfinished phase of the course;
(2) the first school transfers written documentation to the second school, showing which phase the student successfully completed; and
(3) upon successful completion of both phases, the second school certifies that the individual has

successfully completed both phases.

(e) Individuals who have not fully completed a phase of a course may transfer the completed portions of the course to another school only under the following conditions:
(1) The first school is unable to complete the course within one hundred twenty (120) days of its commencement.
(2) The student is unable to complete the course due to illness, injury, or other circumstances not under the student's or parents' reasonable control.
(3) Other justifications approved by the bureau.

(Bureau of Motor Vehicles; 140 IAC 4-4-6; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 13. 140 IAC 4-4-7 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-7 Grade requirements for driver education class and for waiver

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 9-24-10-4; IC 9-27-6-11

Sec. 7. A student must receive a score of eighty percent (80%) or higher in the classroom ~~instruction~~ **training** and the behind-the-wheel ~~instruction~~ **training** to successfully complete the ~~driver education class~~ **course** and to be eligible to receive a **driving skills test** waiver.

(Bureau of Motor Vehicles; 140 IAC 4-4-7; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 14. 140 IAC 4-4-8 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-8 Completion of driver training school course; permit

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 9-24-7; IC 9-27-6-6; IC 9-27-6-11

Sec. 8. (a) When a student successfully completes a ~~driver education class,~~ **course,** the student's learner's permit ~~shall~~ **must** be marked with the following:
(1) "Pass" or "Fail".
(2) The original signature or signatures of the ~~driver~~ instructor who provided the **student's** classroom ~~instruction~~ **training** and the ~~driver~~ instructor who provided the student's behind-the-wheel ~~instruction.~~ **training.**
(3) The numbered stamp of the ~~driver education~~ school attended by the student.

(b) In addition to the requirements listed under subsection (a), if the student passes a ~~drive~~ **driving skills** test administered by ~~a driver~~ **an** instructor, the words "No Drive Test Required" ~~shall~~ **must** be stamped on the permit using the ~~driver education~~ school's numbered stamp and the original signature of the ~~driver~~ instructor who administered the ~~drive~~ **driving skills** test.

(c) A state driver examiner shall administer a ~~drive~~ **driving skills** test to anyone whose learner's permit does not comply with subsection (b), or who has a disability that requires the individual to use special mechanical control devices to operate the motor vehicle properly.

(d) A learner's permit containing any irregularities, including, but not limited to, strike-outs, erasures, or the use of white-out, is invalid.

(e) The bureau may prescribe and allow for alternate or electronic submission of any documents under this section.

(Bureau of Motor Vehicles; 140 IAC 4-4-8; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004,

12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 15. 140 IAC 4-4-9 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-9 Driving skills test for waiver

Authority: IC 9-14-2-2; IC 9-24-10-2; IC 9-24-10-4
Affected: IC 9-24-10-4; IC 9-27-6-6; IC 9-27-6-11

Sec. 9. (a) A ~~driver education~~ school that participates in the waiver program shall offer to administer a ~~drive~~ **driving skills** test to each of its students. The student must pass the ~~drive~~ **driving skills** test to qualify for a waiver. The ~~driver~~ instructor administering the ~~drive~~ **driving skills** test ~~shall~~ **must** not be the same ~~driver~~ instructor who provided the behind-the-wheel ~~instruction~~ **training** to that student.

(b) All ~~driver education~~ schools that participate in the waiver program shall use the ~~drive~~ **driving skills** test score sheet **prescribed by the bureau** to evaluate and score the ~~drive~~ **driving skills** test.

~~(c) All driver education schools that participate in the Waiver program shall offer each of its Students only one (1) opportunity to take the drive test.~~

~~(d)~~ **(c)** The original ~~signature~~ **signatures** of:
(1) the ~~driver~~ instructor who conducted the classroom ~~instruction;~~ **training;**
(2) the ~~original signature of the driver~~ instructor who conducted the behind-the-wheel ~~instruction;~~ **training;** and
(3) the ~~original signature of the driver~~ instructor who administered the ~~drive~~ **driving skills** test;
must appear on the ~~drive~~ **driving skills** test score sheet for it to be valid. The ~~driver~~ instructor who conducted the ~~drive~~ **driving skills** test shall note on the ~~drive test~~ score sheet whether the student passed or failed the test.

~~(e)~~ **(d)** A person's waiver privilege expires when the person's learner's permit expires.

~~(f)~~ **(e)** Every ~~driver education~~ school shall retain ~~drive test~~ score sheets at the school's location for at least two (2) years and shall present the ~~drive test~~ score sheets to the bureau ~~and its agents~~ upon ~~their~~ request.

(f) Students shall take the driving skills test independently except as otherwise required by law and without unfair assistance from the instructor.

(Bureau of Motor Vehicles; 140 IAC 4-4-9; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 16. 140 IAC 4-4-11 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-11 Automatic failure of driving skills test

Authority: IC 9-14-2-2; IC 9-24-10-2
Affected: IC 9-24-10-2

Sec. 11. (a) Any of the following actions ~~shall~~ **must** result in the automatic failure of the ~~drive~~ **driving skills** test:
(1) Disobeying a yield, stop, school zone, or no turn on red sign.
(2) Disobeying a traffic signal.
(3) Backing over a curb while parallel parking.
(4) Driving into a parked vehicle while parallel parking.
(5) Failure to follow instructions.
(6) Failure to use a seat belt.
(7) Failure to react to hazardous driving conditions.
(8) Speeding.

(9) Driving too fast for conditions.
(10) Turning into or using the wrong lane.
(11) Passing in a no passing zone or otherwise crossing a solid yellow line.
(12) Driving left of center.
(13) Straddling lane markings.
(14) Driving too close to pedestrians or bicycles.
(15) Failure to pull over or stop for emergency vehicles or school buses.
(16) Causing an accident during a ~~road~~ **driving skills** test.
(17) Failure to yield right-of-way.
(18) Failure to obey required laws at a railroad crossing.

(b) It ~~shall be~~ **is** within the discretion of the state driver examiner or ~~driver~~ instructor to continue a ~~drive~~ **driving skills** test after a student has failed. ~~the drive test.~~

(Bureau of Motor Vehicles; 140 IAC 4-4-11; filed Nov 12, 1998, 3:00 p.m.: 22 IR 972; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 17. 140 IAC 7-1.1-1 IS AMENDED TO READ AS FOLLOWS:

140 IAC 7-1.1-1 Definitions

Authority: IC 9-14-2-2
Affected: IC 3-5-2-42.5; IC 9-13-2; IC 9-16; IC 9-24; IC 12-7-2-61

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Bureau" has the meaning set forth in IC 9-13-2-16.

(c) "CDL applicant" means any person requesting a CDL, or renewal, reinstatement, or requalification thereof.

(d) "CDL learner's permit" **or "CLP"** has the meaning set forth in IC 9-24-6-0.5.

(e) "CDL skills test" means the bureau, or a certified CDL skills test examiner, administered examination of a CDL or CDL endorsement applicant's skills as required by 49 CFR 383*.

(f) "Certified CDL skills test examiner" means a person who the bureau certifies and authorizes to administer a driving skills test to any applicant for a CDL.

(g) "Class" means group as set forth in 49 CFR 383.91*.

(h) "Commercial driver's license" or "CDL" has the meaning set forth in 49 CFR 383.5*.

(i) "Commercial motor vehicle" or "CMV" has the meaning set forth in 49 CFR 383.5*.

(j) "Commission" has the meaning set forth in IC 9-13-2-32.

(k) "Commissioner" has the meaning set forth in IC 9-13-2-33.

(l) "Core knowledge exam" means a written test designed to verify the applicant's knowledge in the operation of a CMV as required by 49 CFR 383*.

(m) "Disqualification" means any of the following actions:
(1) The suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance. A disqualification will be considered a suspension action when a person with a CDL is prohibited from operating

a CMV for a determinate period of time due to the person having:
(A) been convicted; or
(B) refused to submit to a certified chemical test.
(2) Any withdrawal of a person's privileges to drive a CMV by the state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control, other than:
(A) parking;
(B) vehicle weight; or
(C) vehicle defect;
violations.
(3) A determination by the Federal Motor Carrier Safety Administration or the state that a person:
(A) is not qualified to operate a CMV under 49 CFR Part 391*; or
(B) has committed an action that requires disqualification pursuant to 49 CFR 383*.

(n) "Driver's license" has the meaning set forth in IC 9-13-2-48.

(o) "Endorsement" has the meaning set forth in 49 CFR 383.5*.

(p) "Endorsement knowledge test" means a test designed to verify the applicant's knowledge in the operation of a specific type of CMV as required by 49 CFR 383*.

~~(q) "Farm semitrailer and tractor", for purposes of IC 9-13-2-58 and this article, means a semitrailer and tractor, as defined in IC 9-13-2-164 and IC 9-13-2-180 respectively, that the owner or registrant attests to as using in connection with agricultural pursuits usual and normal to the user's farming operation.~~

~~(r) "Farm trailer", for purposes of IC 9-13-2-58 and this article, shall mean a trailer, as defined under IC 9-13-2-184, that the owner or registrant attests to as using in connection with agricultural pursuits usual and normal to the user's farming operation.~~

~~(s) "Farm truck", for purposes of IC 9-13-2-58 and this article, means a truck, as defined in IC 9-13-2-188, that the owner or registrant attests to as using in connection with agricultural pursuits usual and normal to the user's farming operation.~~

~~(t)~~ **(q)** "Full legal name" means, pursuant to 6 CFR 37.3*, an individual's:
(1) first name;
(2) middle name or names; and
(3) last name or surname;
without the use of initials or nicknames.

~~(u)~~ **(r)** "Gross combination weight rating" or "GCWR" has the meaning set forth in 49 CFR 383.5*.

~~(v)~~ **(s)** "Gross vehicle weight rating" or "GVWR" has the meaning set forth in 49 CFR 383.5*.

~~(w) "Highway" and "street" have the meaning set forth in IC 9-13-2-73.~~

~~(x)~~ **(t)** "Incapacitated person" means an individual who:
(1) because of insanity, mental illness, mental deficiency, physical illness, infirmity is unable to:
(A) manage, in whole or in part, the individual's property; or
(B) provide self-care;
or both; or
(2) has a developmental disability as defined in IC 12-7-2-61.

~~(y)~~ **(u)** "Lawful status" means a person who meets the requirements of:
(1) IC 9-24-9-2.5 for a driver's license; or
(2) ~~9-24-16-3.5(1)~~ **IC 9-24-16-3.5(1)** for an identification card.

~~(z)~~ **(v)** "License branch" means the commission's branch offices authorized to perform the functions and conduct the transactions pursuant to IC 9-16.

~~(aa)~~ **(w)** "Mobile home" has the meaning set forth in ~~IC 6-6-5-1.~~ **IC 9-13-2-103.2.**

~~(bb)~~ **(x)** "Motorcycle" has the meaning set forth in IC 9-13-2-108.

~~(cc)~~ **(y)** "Motorcycle learner's permit" means a bureau issued permit that entitles a person to operate a motorcycle on Indiana highways subject to Indiana laws and regulations.

~~(dd)~~ **(z)** "Motorcycle license endorsement" means an authorization placed on an existing driver's license that authorizes a person to operate a motorcycle on Indiana highways.

~~(ee)~~ **(aa)** "Motorcycle operational skills test" means the bureau approved standardized driving skills examination given by a state driver examiner or an approved examiner to determine whether a student has sufficient physical and mental ability to operate a motorcycle properly to qualify for a motorcycle license or motorcycle endorsement.

~~(ff) "Motorcycle temporary learner's permit" means a bureau issued permit that entitles a person to operate a motorcycle on Indiana highways, subject to Indiana laws and regulations, while enrolled in an approved drivers education and training course.~~

~~(gg) "Motor home" has the meaning set forth in IC 6-6-5-1.~~

~~(hh) "Motorized bicycle" has the meaning set forth in IC 9-13-2-109.~~

~~(ii) "Motor scooter" has the meaning set forth in IC 9-13-2-104.~~

~~(jj)~~ **(bb)** "Operator's license" means the driver's license issued under IC 9-24-3.

~~(kk)~~ **(cc)** "Person" has the meaning set forth in IC 9-13-2-124.

~~(ll)~~ **(dd)** "Qualified jurisdiction" means a country specified in 49 CFR 383.23(b)(1)(n.1)*.

~~(mm)~~ **(ee)** "Residence" has the meaning set ~~for~~ **forth** in IC 3-5-2-42.5.

~~(nn)~~ **(ff)** "Resident" has the meaning set forth in IC 9-13-2-78.

~~(oo)~~ **(gg)** "State" has the meaning set forth in IC 9-13-2-173.

~~(pp)~~ **(hh)** "State driver examiner" means a commission designated person whose duties include the administration of driving skills tests on the commission's behalf.

~~(qq) "Student" means a person who:~~
~~(1) holds a temporary motorcycle learner's permit; and~~
~~(2) is actively enrolled in an approved motorcycle driver education and training course.~~

~~(rr)~~ **(ii)** "Truck ~~driving~~ **driver** training school" has the meaning set forth in IC 9-13-2-188.5.

~~(ss)~~ **(jj)** "Visual screening" means an eye screening that the bureau administers to:
(1) license;
(2) permit; and

(3) endorsement;
applicants.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Bureau of Motor Vehicles; 140 IAC 7-1.1-1; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; filed Nov 12, 2009, 3:44 p.m.: 20091209-IR-140090169FRA)

SECTION 18. 140 IAC 7-3-13 IS AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-13 Certified CDL skills test examiner; qualifications

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 13. (a) To obtain the bureau's approval to be a certified CDL skills test examiner, an applicant must meet the following qualifications:
(1) Be twenty-one (21) years of age or older.
(2) Possess a valid CDL with an endorsement to operate a Class A CMV for a minimum of three (3) years, and have all other endorsements except the hazardous materials endorsement.
(3) Have successfully completed a bureau approved training course.
(4) Meet all requirements under 49 CFR 384.228.

~~(b) A certified CDL skills test examiner must administer a minimum of one hundred twenty (120) CDL skills tests each year to retain the bureau's approval.~~

(b) Certification by the bureau must not exceed a period of four (4) years.

(c) Applicants under this section may reapply up to thirty (30) days prior to the end of their current certification.

(Bureau of Motor Vehicles; 140 IAC 7-3-13; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

SECTION 19. 140 IAC 7-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Truck Driver Training Schools

140 IAC 7-5-1 Definitions

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-13-2-188.5; IC 9-24-6-5.5; IC 9-27-6-4

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Behind-the-wheel training" means the practical portion of the student's training that takes place in a CMV.

(c) "Classroom training" means the classroom portion of truck driver training course that instructs students on the laws and procedures regarding the proper operation of a CMV.

(d) "Course" means training offered by a school for the purpose of teaching safe operation of a CMV, including classroom training and behind-the-wheel training.

(e) "Instructor" has the meaning set forth in IC 9-27-6-4.

(f) "Owner" means anyone with an ownership interest of any kind in the school.

(g) "Student" means an individual who is actively enrolled in a truck driver training course.

(h) "Truck driver training school" or "school" has the meaning set forth in IC 9-13-2-188.5.

(i) "Truck driver training school instructor license" or "instructor license" means the authorization from the bureau to act as an instructor.

(j) "Truck driver training school license" or "license" means the authorization from the bureau to act as a school pursuant to IC 9-24-6-5.5.

(Bureau of Motor Vehicles; 140 IAC 7-5-1)

140 IAC 7-5-2 Truck driver training school licensing

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6

Sec. 2. (a) Truck driver training schools must follow the same procedures and requirements for licensing as set forth in 140 IAC 4-1.2-1 including the mandatory insurance coverage requirements outlined in 140 IAC 4-1.5-2. However, truck driver training school owners need only submit a limited criminal history background check dated within ninety (90) days of an initial or renewal school license application rather than a fingerprint-based full national criminal background check as required in 140 IAC 4-1.2-1(a) and 140 IAC 4-1.2-1(b).

(b) 140 IAC 4-1.2-1(h)(1) is inapplicable to truck driver training schools.

(Bureau of Motor Vehicles; 140 IAC 7-5-2)

140 IAC 7-5-3 Truck driver training school operations

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6

Sec. 3. (a) In addition to the following requirements, truck driver training schools must follow the same procedures and requirements for operation as set forth in 140 IAC 4-1.2-1(b) through 140 IAC 4-1.2-1(e) and 140 IAC 4-1.2-1(h) through 140 IAC 4-1.2-1(i).

(b) Online training is not accepted for truck driver training.

(c) The school is required to ascertain, before giving practical instruction, that the student possesses a valid CDL or CLP.

(d) No course shall be completed in fewer than:
(1) one hundred twenty (120) hours of instruction for a Class A CMV; or
(2) eighty (80) hours of instruction for a Class B CMV.

(e) The bureau may adopt procedures for the electronic transfer of student information, fees, and licensing as applicable.

(Bureau of Motor Vehicles; 140 IAC 7-5-3)

140 IAC 7-5-4 Truck driver training school instructor licensing

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6

Sec. 4. (a) In addition to the following requirements, truck driver training school instructors must follow the same procedures and requirements for licensing as set forth in 140 IAC 4-1.3-1(a) through 140 IAC 4-1.3-1(f) and 140 IAC 4-1.3-1(h) through 140 IAC 4-1.3-1(i). However, truck driver training school instructors need only submit a limited criminal history background check dated within ninety (90) days of an initial or renewal instructor license application rather than a fingerprint-based full national criminal background check as required in 140 IAC 4-1.3-1(a) and 140 IAC 4-1.3-1(c).

(b) Applicants must hold a valid CDL before making application for an instructor's license.

(c) The bureau shall deny an application for an instructor's license if within three (3) years prior to the application if the applicant has been convicted of operating a vehicle while under the influence of alcohol or a controlled substance.

(d) The bureau may deny an application for an instructor's license if within three (3) years prior to the application if the applicant's driver's license has been suspended, revoked, canceled, or disqualified.

(Bureau of Motor Vehicles; 140 IAC 7-5-4)

140 IAC 7-5-5 Truck driver training school instructor requirements

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6

Sec. 5. (a) Truck driver training school instructors shall follow the same requirements as set forth in 140 IAC 4-1.3-2.

(b) 140 IAC 4-1.3-2(a)(3) is inapplicable to truck driver training school instructors. Instead, instructors must ensure that the student possesses a valid CDL or CLP before giving behind-the-wheel training.

(Bureau of Motor Vehicles; 140 IAC 7-5-5)

140 IAC 7-5-6 Truck driver training licensing fees

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6; IC 21-7-13-32; IC 36-1-2-17

Sec. 6. (a) The fee for an application for an instructor's license is ten dollars ($10).

(b) The fee for renewal of an instructor's license is ten dollars ($10).

(c) The fee for an amendment of an instructor's license is five dollars ($5).

(d) The fee for an application for a school license is one hundred dollars ($100) per location.

(e) The fee for renewal of a school license is one hundred dollars ($100) per location.

(f) The fee for an amendment of a school license is twenty dollars ($20).

(g) School corporation as defined in IC 36-1-2-17 and state educational institutions as defined in IC 21-7-13-32 are exempt from the school license, renewal, and amendment fees.

(h) If an application for an instructor's license or a school license is denied, and the application is resubmitted within sixty (60) days of the denial, there is no fee for the resubmission.

(Bureau of Motor Vehicles; 140 IAC 7-5-6)

140 IAC 7-5-7 Criteria upon which to suspend or revoke a truck driver training school or truck driver instructor license

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6

Sec. 7. (a) The bureau may suspend or revoke the license of or issue a written warning to a school or instructor as set forth in 140 IAC 4-1.5-1(a) and 140 IAC 4-1.5-1(b).

(b) The bureau shall follow the procedure for suspension and revocation set forth in 140 IAC 4-1.5-1(c).

(Bureau of Motor Vehicles; 140 IAC 7-5-7)

140 IAC 7-5-8 Audits, investigations, and records

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6-5.3

Sec. 8. (a) The bureau may audit or investigate an owner or school to confirm compliance with Indiana laws and rules related to truck driver training.

(b) Truck driver training schools must follow the same procedures and requirements for audits and investigations as set forth in 140 IAC 4-1.5-3.

(c) Truck driver training schools must maintain records as outlined in 140 IAC 4-1.5-3(b) but for six (6) years in accordance with IC 9-24-6-5.3(b).

(Bureau of Motor Vehicles; 140 IAC 7-5-8)

140 IAC 7-5-9 Hearings

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 4-21.5; IC 9-24-6

Sec. 9. An owner or instructor whose license application has been denied, or whose license or instructor license has been suspended or revoked, is entitled to an administrative hearing consistent with IC 4-21.5.

(Bureau of Motor Vehicles; 140 IAC 7-5-9)

140 IAC 7-5-10 Curriculum

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6

Sec. 10. (a) A school shall provide training that includes, but is not limited to, the following standards:
(1) Classroom instruction on the subjects listed in 140 IAC 4-4-1.1 but as applied to the operation of a CMV.
(2) Instruction and demonstration of the following in a CMV:
(A) Stopping.
(B) Starting.
(C) Shifting.
(D) Turning.

(E) Lane changing.
(F) Lane positioning.
(G) Merging.
(H) Signaling.
(I) Backing.
(J) Parallel parking.
(K) Steering.

(b) The school shall not use any questions prepared by the bureau or appearing on the bureau examination when preparing questions for instructional or evaluative purposes.

(Bureau of Motor Vehicles; 140 IAC 7-5-10)

140 IAC 7-5-11 Truck driver training school vehicle standards

Authority: IC 9-14-2-2; IC 9-24-6-5.5
Affected: IC 9-24-6

Sec. 11. (a) Any motor vehicles owned or leased by a school for behind-the-wheel training must:
(1) possess a current registration and license plate for that vehicle;
(2) pass bureau inspection;
(3) contain markings that identify the vehicle as a truck driver training vehicle that are visible from the left, right, front, and rear sides of the vehicle when operated on public roadways; and
(4) be maintained in safe mechanical and physical condition.

(b) The following must be kept in the vehicle at all times during behind-the-wheel training:
(1) A completed school vehicle inspection form as prescribed by the bureau.
(2) The vehicle registration and current insurance information.

(Bureau of Motor Vehicles; 140 IAC 7-5-11)

SECTION 20. THE FOLLOWING ARE REPEALED: 140 IAC 4-4-2; 140 IAC 4-4-10; 140 IAC 10; 140 IAC 11.

Notice of Public Hearing

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