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**TITLE 140 BUREAU OF MOTOR VEHICLES**

**Proposed Rule**  
LSA Document #18-5

DIGEST

Amends [140 IAC 7-2-6](#) to remove language that prohibited a person who has been an instructor or owner of a school offering motorcycle instruction for a fee from administering an operational skills test to an applicant who was a student of such school. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[140 IAC 7-2-6](#)

SECTION 1. [140 IAC 7-2-6](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 7-2-6](#) Motorcycle skills test**

**Authority:** [IC 9-14-8-3](#)

**Affected:** [IC 9-24-8](#)

Sec. 6. (a) An applicant for motorcycle endorsement must take an operational skills test administered by a person whom the commissioner, or ~~the commissioner's~~ **his or her** designee, approves as a motorcycle operational skills test examiner. ~~No person who has been an instructor or owner of a school offering motorcycle instruction for a fee may administer an operational skills test to an applicant who was a student of such school.~~

(b) The operational skills test must include maneuvers with a motorcycle involving proper starting, stopping, turning, braking, riding through obstacles, changing traffic lanes, and the testing of other areas of riding skills. The bureau shall determine the number of penalty points necessary to fail the skills test. If the applicant is assessed that number of penalty points any time prior to the completion of the test, the examination attempt will be terminated.

(c) A person who fails the operational skills test must wait until the next business day before being allowed to retake the operational skills test.

(d) All persons must wear a motorcycle helmet during the operational skills test.

(e) Every applicant must sign a waiver of liability prior to taking an operational skills test. The waiver must include the following information:

(1) The applicant understands they are taking a motorcycle operational skills test and believes they are qualified to take such test.

(2) The applicant will hold the commission, the state, the owners of the test site, and the motorcycle examiner harmless for any injury that the applicant or the applicant's motorcycle and equipment, or all, might sustain from any accident during the operational skills test.

*(Bureau of Motor Vehicles; [140 IAC 7-2-6](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 901; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 920; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Oct 5, 2017, 9:34 a.m.: [20171101-IR-140160492FRA](#))*

[Notice of Public Hearing](#)

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