

Proposed Rule
LSA Document #18-320

DIGEST

Amends [140 IAC 4-1.3-1](#) by removing the requirement that prospective driving instructors complete 60 semester credit hours at a postsecondary educational institution. Adds [140 IAC 4-1.3-3](#) to specify instructor training requirements to satisfy [140 IAC 4-1.3-1](#), and with the addition of the highlighted language, prospective driving instructors will now be able to obtain a license after completing a bureau of motor vehicles approved training program and completing at least 20 hours of behind-the-wheel training. Amends [140 IAC 4-4-3](#) to require issuance of a certified driver education form to all persons applying for enrollment in a behind-the-wheel driver education training course and to reduce or eliminate instances where a student signs up for an online or classroom driving program, receives a learner's permit, and fails to sign up for or complete behind-the-wheel training. *NOTE: Under [IC 4-22-2-40](#), LSA Document #18-320, posted at [20181205-IR-140180320PRA](#), was recalled by the Bureau of Motor Vehicles and revised and resubmitted for publication.* Effective 30 days after filing with the Publisher.

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

[140 IAC 4-1.3-1](#); [140 IAC 4-1.3-3](#); [140 IAC 4-4-3](#)

SECTION 1. [140 IAC 4-1.3-1](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 4-1.3-1](#) Driver training instructor licensing application and renewals

Authority: [IC 9-14-8-3](#); [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, 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 safely. 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 **meets the following:**

(1) Meets one (1) of the following instructor education requirements:

~~(4)~~ **(A)** Has earned ~~sixty (60)~~ **fifty-one (51)** semester credit hours at a postsecondary educational institution ~~(2) had and~~ nine (9) **credit** 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);~~

(B) Has completed a bureau approved instructor training program and completed twenty (20) hours of behind-the-wheel training instruction that meet the standards set forth in [140 IAC 4-4-1.2](#).

~~(3)~~ **(2)** Is a citizen or lawful permanent resident of the United States.

~~(4)~~ **(3)** Is at least twenty-one (21) years of age. ~~and~~

~~(5)~~ **(4)** 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](#); filed Nov 25, 2014, 3:50 p.m.: [20141224-IR-140140292FRA](#))

SECTION 2. [140 IAC 4-1.3-3](#) IS ADDED TO READ AS FOLLOWS:

[140 IAC 4-1.3-3](#) Bureau approved instructor training

Authority: [IC 9-14-8-3](#); [IC 9-27-6-6](#); [IC 9-27-6-11](#)

Affected: [IC 4-21.5-3](#); [IC 9-27-6-6](#)

Sec. 3. (a) An instructor training program must satisfy the following criteria to qualify as an approved program under section 1 of this rule:

(1) Provide at least ten (10) hours of classroom training that meet the standards set forth in [140 IAC 4-4-1.1](#).

(2) Provide a completion certificate to participants upon completion of training.

(b) To be designated as an approved instructor training program, the program provider must submit an application to the bureau that contains the following:

(1) Name and address of provider of instructor training program.

(2) Names and driver's license numbers of each program instructor.

(3) Detailed description of program and courses.

(4) Copy of all course materials that provide at least minimum standards for classroom training under [140 IAC 4-4-1.1](#) and behind-the-wheel driver training standards under [140 IAC 4-4-1.2](#).

(5) Sample copy of completion certificate that will be provided upon training completion.

(6) Any other information requested by the bureau that is necessary to determine whether the applicant meets the requirements for approval.

(c) The bureau shall notify applicants in writing whether the instructor training program has been designated as an approved program under section 1 of this rule. If an application for designation as an approved program is denied, the bureau shall provide an explanation of the reasons for the denial. Notice shall be provided within sixty (60) days of the date the bureau receives an application.

(d) The designation as an approved instructor training program shall remain valid for a period of four (4) years.

(e) An approved instructor training program shall apply for redesignation every four (4) years prior to expiration date of the prior designation by submitting an application in accordance with subsection (b).

(f) An instructor training program that has been designated as an approved program or that has submitted an application to be designated as an approved program shall notify the bureau within thirty (30) days of any changes in the information submitted under subsection (b).

(g) The bureau may revoke an instructor training program's designation as an approved program in accordance with the procedures set forth in [IC 4-21.5-3](#) if the bureau determines that the program fails to meet the requirements set forth in subsection (a).

(h) An instructor training program whose application for approval is denied may appeal the decision by filing a petition for review in accordance with the procedures set forth in [IC 4-21.5-3](#).

(Bureau of Motor Vehicles; [140 IAC 4-1.3-3](#))

SECTION 3. [140 IAC 4-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 4-4-3](#) Certified driver education forms

Authority: [IC 9-14-8-3](#); [IC 9-27-6](#)

Affected: [IC 9-27-6](#)

Sec. 3. (a) A certified driver education (CDE) form must be issued to all persons applying for enrollment in a **the behind-the-wheel portion of a** driver education course. The school or instructor shall 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.

(b) A classroom training provider must provide written proof of completion of the classroom training course to the student.

(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](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 25, 2014, 3:50 p.m.: [20141224-IR-140140292FRA](#))

[Notice of Public Hearing](#)

Posted: 03/13/2019 by Legislative Services Agency
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