
TITLE 140 BUREAU OF MOTOR VEHICLES

Interim Final Rule
LSA Document #23-578

DIGEST

Temporarily adds a rule and temporarily suspends [140 IAC 7-5-1](#) through [140 IAC 7-5-11](#) concerning truck driver training schools. Effective September 8, 2023. Expires November 6, 2024.

HISTORY

Notice of Public Comment Period for Interim Rule: August 9, 2023, Indiana Register (DIN: [20230809-IR-140230578INA](#)).

SUMMARY/RESPONSE TO COMMENTS

The Bureau of Motor Vehicles (BMV) requested public comment on the proposed interim rule from August 9, 2023, through September 8, 2023. The BMV received comments from the following parties in response to the Notice of Public Comment Period for Interim Rule:

Commercial Vehicle Training Association (CVTA)

The following is a summary of the comment received and the BMV's response:

Comment: The CVTA opposes suspending [140 IAC 7-5-1](#) through 7-5-11. CVTA believes the regulations contained in [140 IAC 7-5-1](#) through 7-5-11 supplements the federal regulations under 49 CFR Part 380 and enhances highway safety. Specifically, CVTA opposes suspending [140 IAC 7-5-3](#) which requires 120 hours of instruction for a Class A CMV and 80 hours of instruction for a Class B CMV training. CVTA is concerned that eliminating the minimum hours of instruction requirements under [140 IAC 7-5-3](#) will encourage other training providers to provide insufficient training to ensure proficiency in the curriculum elements listed in 49 CFR Part 380.

Response: While the BMV understands CVTA's position that not all training providers are equal in the quality of their programs, Indiana's current Truck Driver Training School curriculum is more restrictive than federal regulations. The Entry-Level Driver Training (ELDT) regulations as promulgated in 49 CFR Part 380 requires all training providers meet a minimum standard and the requirement for additional – more restrictive – regulations would not meet the practice of Indiana's goal to not be more restrictive than federal requirements.

The Federal Motor Carrier Safety Administration (FMCSA) has committed to improving their audit capability of training sites as they continue to update the ELDT program. Thus, if CVTA notices "bad actors" that are in violation of ELDT, they have the ability to address their concerns with FMCSA directly.

While the BMV share CVTA's concern on the quality of training and safety of the operator, the BMV relies on its skills sites to ensure a student fully demonstrates the minimum required proficiencies regardless of the type of training a student receives as required by 49 CFR Part 380.

SECTION 1. A business enterprise that educates, trains, or otherwise prepares a person to operate a commercial motor vehicle is approved by the bureau to operate in the state if the business enterprise is listed on the Training Provider Registry as described in 49 CFR Part 380*.

SECTION 2. THE FOLLOWING ARE SUSPENDED: [140 IAC 7-5-1](#); [140 IAC 7-5-2](#); [140 IAC 7-5-3](#); [140 IAC 7-5-4](#); [140 IAC 7-5-5](#); [140 IAC 7-5-6](#); [140 IAC 7-5-7](#); [140 IAC 7-5-8](#); [140 IAC 7-5-9](#); [140 IAC 7-5-10](#); and [140 IAC 7-5-11](#).

SECTION 3. This document expires 425 days after filing with the publisher.

LSA Document #23-578

Approved by Governor: July 20, 2023

Filed with Publisher: September 8, 2023, 3:34 p.m.

Documents Incorporated by Reference: 49 CFR Part 380

Posted: 09/20/2023 by Legislative Services Agency

An [html](#) version of this document.