

Regulatory Analysis
LSA Document #23-734**I. Description of Rule****a. History and Background of the Rule**

This rulemaking was prompted both by changes to state law and updates to federal regulations. Specifically, the amendment to [140 IAC 4-4-9](#) is consistent with HEA 1050, which added Ind. Code § 9-24-10-4.5 as a new section. The amendments to [140 IAC 7-5](#) are in response to the implementation of the Entry-Level Driver Training under 49 CFR § 380, Subparts F and G, which went into effect on February 7, 2022. Lastly, the amendment to [140 IAC 7-3-6.5](#) maintains compliance with federal regulations; specifically, 49 CFR § 391, Subpart E.

b. Scope of the Rule

HEA 1050 added Ind. Code § 9-24-10-4.5 as a new section, which allows a driver training school to administer a driving skills test to an individual who hold a valid learner's permit. The proposed amendment to [140 IAC 4-4-9\(a\)\(2\)](#) removes the requirement that an individual be age eligible to apply for a driver's license before a driving training school may administer a driving skills test, which is consistent with Ind. Code § 9-24-10-4.5 and the passage of HEA 1050.

[140 IAC 7-3-6.5](#) establishes the physical examination requirements for CDL holders. The proposed amendment to [140 IAC 7-3-6.5](#) strikes provisions in subsections (a) which requires a CLP or CDL applicant to carry a medical examiner's certification on their person. This provision is inconsistent with 49 CFR § 391, Subpart E. Specifically, 49 CFR § 391.41(a)(2) no longer requires a driver who previously submitted a current medical examiner's certificate to carry the medical examiner's certificate on his or her person. The proposed amendment to [140 IAC 7-3-6.5](#) is necessary to maintain compliance with federal regulations.

[140 IAC 7-5](#) governs the licensing, operation, administration, and other matters relating to truck driver training schools. 49 CFR § 380, Subpart F (49 CFR § 380.600 – 380.609) establishes the training requirements for entry-level drivers on and after February 7, 2022. Additionally, 49 CFR § 380, Subpart G (49 CFR § 380.700 – 380.725) establishes the requirements for entry-level driver training providers on or after February 7, 2022. The BMV proposes to add [140 IAC 7-5-0.5](#) as a new section, which approves a business enterprise that educates, trains, or otherwise prepares a person to operate a commercial motor vehicle to operate in the state if the business enterprise is listed on the Training Provider Registry as described in 49 CFR § 380, Subpart G.

In addition, the BMV proposes to repeal [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](#). The proposed amendments to [140 IAC 7-5](#) maintains compliance with the implementation of the Entry-Level Driver Training under 49 CFR § 380, Subparts F and G, which went into effect on February 7, 2022.

c. Statement of Need

This rule addresses a change to the Indiana Code which allows a driver training school to administer a driving skills test to an individual who holds a valid learner's permit consistent with the passage of HEA 1050-2023 and the addition of Ind. Code § 9-24-10-4.5.

Additionally, the proposed amendments make technical corrections and updates to maintain compliance federal regulations. Specifically, the proposed amendment to [140 IAC 7-3-6.5](#) removes the requirement that a CLP or CDP applicant carry a medical examiner's certificate on his or her person, which was inconsistent with 49 CFR § 391, Subpart E.

The amendments to [140 IAC 7-5](#) are consistent with the implementation of the Entry-Level Driver Training under 49 CFR § 380, Subparts F and G, which went into effect on February 7, 2022, and establishes the training requirements for entry-level drivers of commercial motor vehicles and the eligibility requirements for entry-level driver training providers.

d. Statutory Authority for the Proposed Rule

Pursuant to Ind. Code § 9-14-8-3, the Indiana Bureau of Motor Vehicles (BMV) is granted statutory authority to adopt and enforce administrative rules that are necessary to carry out Title 9.

Ind. Code § 8-2.1-24-18 incorporates the federal motor carrier safety regulations into Indiana law, specifically 49 CFR Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398. In addition, Ind. Code § 9-24-6.1-2 requires the BMV to develop and implement a commercial driver's license program which must include procedures required to comply with 49 CFR Parts 383 through 399. Pursuant to Ind. Code § 9-14-8-3, the BMV is granted statutory authority to adopt and enforce administrative rules that are necessary to carry out Title 9.

e. Fees, Fines, and Civil Penalties

These Proposed Rules do not add or increase any fees, fines, or civil penalties.

II. Fiscal Impact Analysis

a. Anticipated Effective Date of the Rule

November 29, 2023

b. Estimated Fiscal Impact on State and Local Government

There are no costs of implementation or enforcement for these proposed rules.

c. Sources of Expenditures or Revenues Affected by the Rule

This rule does not impact expenditures and revenues of State agencies or local government.

III. Impacted Parties

The BMV estimates that 214 small businesses and roughly 200,000 CDL or CLP holders will be impacted by these proposed rules.

IV. Changes in Proposed Rule

The changes in the Proposed Rule are summarized below. A redline draft of the Proposed Rule is contained below in Section X.

The proposed amendment to [140 IAC 4-4-9\(a\)\(2\)](#) removes the requirement that an individual be age eligible to apply for a driver's license before a driving training school may administer a driving skills test, which is consistent with Ind. Code § 9-24-10-4.5 and the passage of HEA 1050.

The proposed amendment to [140 IAC 7-3-6.5](#) strikes provisions in subsections (a) which requires a CLP or CDL applicant to carry a medical examiner's certification on their person. This provision is inconsistent with 49 CFR § 391, Subpart E. Specifically, 49 CFR § 391.41(a)(2) no longer requires a driver who previously submitted a current medical examiner's certificate to carry the medical examiner's certificate on his or her person.

The proposed amendment adding [140 IAC 7-5-0.5](#) as a new section approves a business enterprise that educates, trains, or otherwise prepares a person to operate a commercial motor vehicle to operate in the state if the business enterprise is listed on the Training Provider Registry as described in 49 CFR § 380, Subpart G. This amendment is consistent with the implementation of the Entry-Level Driver Training under 49 CFR § 380, Subparts F and G, which went into effect on February 7, 2022.

The proposed amendment to repeal [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](#) maintains compliance with the implementation of the Entry-Level Driver Training under 49 CFR § 380, Subparts F and G, which went into effect on February 7, 2022.

V. Benefit Analysis

The proposed amendment to [140 IAC 4-4-9](#) benefits both driver training schools and individuals holding a valid learner's permit but are not age eligible for a license. The proposed amendment allows driver training schools to offer to administer driving skills tests to individuals holding a valid learner's permit who are not age eligible for a license, which is consistent with HEA 1050 and the addition of Ind. Code § 9-24-10-4.5.

The proposed amendment to [140 IAC 7-3-6.5](#) benefits CLP or CDL applicants who previously submitted a current medical examiner's certificate by removing requirements which are more restrictive than federal regulations. Specifically, the proposed amendment would no longer require a CLP or CDL applicant who previously submitted a current medical examiner's certificate on his or her person, consistent with 49 CFR § 391.41(a)(2).

The proposed amendments to [140 IAC 7-5](#) benefits both entry level drivers of commercial vehicles and entry level driver training providers by maintaining compliance with the implementation of the Entry-Level Driver Training under 49 CFR § 380, Subparts F and G, which went into effect on February 7, 2022.

VI. Cost Analysis

a. Estimate of Compliance Costs for Regulated Entities

The proposed rules do not impose additional compliance costs or requirements on regulated entities.

b. Estimate of Administrative Expenses Imposed by the Rules

The proposed rules do not impose administrative expenses on regulated parties and removes provisions which are either inconsistent with or more restrictive than federal regulations.

c. The fees, fines, and civil penalties analysis required by [IC 4-22-2-19.6](#)

The proposed rule does not add or increase a fee, fine, or civil penalty.

VII. Sources of Information

In making the above determinations, the BMV consulted with various lines of business within the agency to ascertain the number of driver training schools and CDL holders which could be impacted by this rule.

VIII. Regulatory Analysis

This rulemaking benefits regulated parties by maintaining compliance with federal regulations and changes to the Indiana Code because of HEA 1050. The proposed rules do not impose additional compliance costs, requirements, or administrative expenses on regulated industries. Additionally, there are no costs of implementation or enforcement imposed on State and local governments as a result of these proposed rules. Therefore, the benefits of this rulemaking exceed the costs.

First Notice of Public Comment Period with Proposed Rule: [20231108-IR-140230734FNA](#)

LSA Document #23-734

Notice of Determination Received: October 5, 2023

Posted: 11/08/2023 by Legislative Services Agency

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