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**TITLE 140 BUREAU OF MOTOR VEHICLES****Final Rule**  
LSA Document #23-734**DIGEST**

Amends [140 IAC 4-4-9](#) to remove the requirement that an individual be age eligible to apply for a driver's license before a driver training school may offer to administer a driving skills test. Amends [140 IAC 7-3-6.5](#) by removing the requirement that a CLP or CDL applicant must carry a medical examiner's certificate on their person. Adds [140 IAC 7-5-0.5](#) to approve business enterprises to operate in the state if listed on the Training Provider Registry, as described in 49 CFR Part 380. Repeals [140 IAC 7-5-1](#) through [140 IAC 7-5-11](#). Effective 30 days after filing with the publisher.

**HISTORY**

Notice of First Public Comment Period: November 8, 2023, Indiana Register (DIN: [20231108-IR-140230734FNA](#)).

Notice of First Public Hearing: November 8, 2023, Indiana Register (DIN: [20231108-IR-140230734PHA](#)).  
Date of First Public Hearing: December 8, 2023.

**SUMMARY/RESPONSE TO COMMENTS**

The Indiana Bureau of Motor Vehicles (BMV) requested public comment from November 8, 2023, through December 8, 2023, and during the public hearing on December 8, 2023. The BMV received comments from the Commercial Vehicle Training Association (CVTA), 160 Driving Academy, and DriveCo. by the comment period deadline. The comments received and responses are summarized below:

**Minimum Hours of Instruction ([140 IAC 7-5-3\(d\)](#))**

*Comment:* Truck driver training school representatives expressed concern and opposition to the repealing of the minimum hours of instruction requirement contained under [140 IAC 7-5-3\(d\)](#). Comments suggest that minimum hours of instruction requirements are necessary to ensure drivers receive adequate training.

*Response:* The BMV does not believe a minimum hours of instruction requirement is necessary and contends that the implementation of the Entry Level Driver Training (ELDT) increased the number of individuals who receive mandatory training. Prior to the implementation of the ELDT on February 7, 2022, not every applicant was required to take theoretical training. If an individual passed the appropriate knowledge exams and skills testing, they would be issued a Commercial Driver's License (CDL). Prior to the implementation of the ELDT, only individuals who voluntarily took theoretical training would have been held to the minimum hours of instruction requirement. Thus, the implementation of ELDT has increased the number of individuals who receive mandatory classroom training.

**Truck Driver Training School Licensing: Insurance Requirements ([140 IAC 7-5-2](#))**

*Comment:* Truck driver training school representatives expressed opposition to repealing [140 IAC 7-5-2](#), which requires truck driver training schools to follow the mandatory insurance coverage requirements outlined in [140 IAC 4-1.5-2](#). Commenters contend that federal regulations do not address this and repealing [140 IAC 7-5-2](#) would put public safety at risk by having trucks with insufficient insurance coverage on the road.

*Response:* The BMV disagrees that the repealing of [140 IAC 7-5-2](#) is a public safety conversation. First, vehicles would still be subject to the insurance requirements and penalties contained within Title 9 of the Indiana Code. Second, while an uninsured vehicle being involved in an accident could certainly be a conversation on financial hardship, whether a vehicle is insured has no correlation with whether a person is a safe driver.

**Audits and Investigations of Truck Driver Training Schools ([140 IAC 7-5-8](#))**

*Comment:* Truck driver training school representatives expressed opposition to repealing [140 IAC 7-5-8](#), which allows for the BMV to audit or investigate an owner or school to confirm compliance with Indiana laws and rules related to truck driver training. The comments alleged observation of "bad actors" in "other states" which charge substantial sums of money and provide inadequate training for CDL licensure, and that the BMV's ability to audit and investigate would protect students and enhance highway safety.

*Response:* The BMV does not believe it is necessary to continue audit of these locations as the Federal Motor Carrier Safety Administration (FMCSA) has full audit authority to determine compliance with federal regulations and may add or remove training locations from the Training Provider Registry (TPR) as appropriate. Additionally,

the bureau would not regulate the cost of theoretical training for CDL just as it does not regulate the cost of driver education for non CDL applicant. Truck driver training schools and associations are certainly encouraged to report any "bad actors" to the FMCSA so they may investigate these claims.

Proposed Revision of 140 IAC 7-5-0.5

*Comment:* One commenter recommended that, if the proposed rule amendments remain, [140 IAC 7-5-0.5](#) be revised to require each truck driver training school location to submit an application to the BMV for approval to operate in the State. The comment maintains that for businesses with multiple locations, federal regulations require each specific location to be listed on the TPR.

*Response:* The BMV does not believe the revision is necessary. As discussed in the comment above, the FMCSA has full audit authority in determining compliance with federal regulations and may add or remove providers from the TPR as appropriate. The proposed rule approves a business which educates, trains, or otherwise prepares a person to operate a commercial motor vehicle to operate in the State if the business is listed on the TPR, as described in 49 CFR Part 380. As such, the FMCSA determines compliance with federal regulations and whether a provider is added or removed from the TPR.

[140 IAC 4-4-9](#); [140 IAC 7-3-6.5](#); [140 IAC 7-5-0.5](#); [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](#); [140 IAC 7-5-11](#)

SECTION 1. [140 IAC 4-4-9](#) IS AMENDED TO READ AS FOLLOWS:

**[140 IAC 4-4-9](#) Driving skills test administration**

**Authority:** [IC 9-14-8-3](#); [IC 9-24-10-4](#)

**Affected:** [IC 9-24-10-4](#); [IC 9-24-10-4.5](#); [IC 9-27-6-6](#); [IC 9-27-6-11](#)

Sec. 9. (a) A school that participates in the driving skills test program may offer to administer a driving skills test to individuals that ~~meet the following requirements:~~

- ~~(1) hold a valid Indiana learner's permit.~~
- ~~(2) Are age eligible to apply for the driver's license.~~

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

(c) The signatures of:

- (1) the instructor who administered the driving skills test; or
- (2) the school official;

must appear on the driving skills test score sheet for it to be valid. The instructor who conducted the driving skills test or the school official shall note on the score sheet whether the student passed or failed the test.

(d) A person's driving skills test pass result is valid for the duration of the permit held at the time of test administration, but cannot exceed two (2) years.

(e) ~~Every~~ **Each** school ~~shall~~ **must** retain score sheets at the school's location for at least two (2) years, and ~~shall~~ present the score sheets to the bureau upon request.

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

(g) The driving skills test ~~cannot be~~ **is not** conducted during ~~the~~ behind-the-wheel training nor on the same day as ~~the~~ behind-the-wheel training.

(h) The school must comply with the following requirements to administer the driving skills test:

- (1) The driving skills test must be administered by a bureau approved driver training school instructor for skills test administration.
- (2) The applicant must pay the applicable fees established by the driver education school for each driving skills test administered to the approved test site operator that administers the driving skills test.

(3) ~~Every~~ **Each** applicant, prior to taking the driving skills test, ~~will be~~ **is** required to sign a waiver of liability. The waiver must include a statement that the applicant will hold the bureau and the state harmless for any injury sustained from ~~any~~ **an** accident during the driving skills test.

(i) Skills test results must be submitted to the bureau in an electronic form.

*(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](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 25, 2014, 3:50 p.m.: [20141224-IR-140140292FRA](#); filed Dec 14, 2017, 1:17 p.m.: [20180110-IR-140170394FRA](#); filed Feb 9, 2022, 3:34 p.m.: [20220309-IR-140210460FRA](#); filed Feb 8, 2024, 12:57 p.m.: [20240306-IR-140230734FRA](#))*

SECTION 2. [140 IAC 7-3-6.5](#) IS AMENDED TO READ AS FOLLOWS:

### **[140 IAC 7-3-6.5](#) Physical examination requirements**

**Authority:** [IC 9-14-8-3](#); [IC 9-24-6.1-2](#)

**Affected:** [IC 8-2.1-24-18](#); [IC 9-24-6.1](#)

Sec. 6.5. (a) ~~Every~~ **Each CLP or CDL holder applicant** must obtain ~~and have in the person's possession a~~ medical examiner's certification that the **CLP or CDL holder applicant** is qualified to operate a CMV either interstate or intrastate.

(b) The medical examination ~~shall~~ **must** be performed by a licensed medical examiner pursuant to 49 CFR 391, Subpart E\*.

(c) For intrastate operation, the medical examiner may recommend the issuance of an intrastate CDL subject to the following restrictions:

(1) Diabetes: For persons with diabetes mellitus requiring insulin treatment, the medical examiner may recommend restrictions consistent with the requirements of [IC 8-2.1-24-18](#). The Medical Examination Report (**MER**) must indicate that the applicant's diabetic condition is controlled, ~~such and~~ that the applicant is not likely to lose consciousness or ~~any loss of the~~ ability to properly control a CMV.

(2) Neurological conditions: For persons with a medical history or clinical diagnosis of epilepsy, seizure disorder, or other neurological condition, the medical examiner shall state ~~his or her~~ **their** opinion whether ~~such these~~ conditions disqualify a driver from unrestricted interstate operation pursuant to 49 CFR 391.43\*. If they do, the medical examiner may consider whether, under specific restrictions, the driver ~~may be~~ **is** qualified for intrastate operation of a CMV. The medical examiner may find the driver qualified for intrastate operation subject to medical restrictions only if the examiner recommends that under the specified restrictions, the condition is not likely to cause loss of consciousness or ~~any loss of the~~ ability to control a commercial motor vehicle. In addition, the driver must be ~~seizure/epilepsy~~ **seizure or epilepsy** free, **or both**, for at least one (1) year from the last occurrence before intrastate certification is considered. In that event, the medical examiner shall specify ~~such the~~ medical restrictions on the physical examination form accompanying the intrastate certification, or on an attached separate sheet of paper. If the driver is disqualified from interstate operation and the medical examiner does not recommend specific restrictions that may permit qualification for intrastate operation, the examination report ~~will be~~ **is** construed as a recommendation that the driver is not qualified to operate CMVs.

(3) Notwithstanding the provisions set forth in subdivision (1) or (2), the medical examiner shall not certify a driver who fails to meet any of the other standards set forth in 49 CFR 391.43\*, except that a physician may certify and recommend that the bureau qualify ~~such a~~ **that** person for intrastate operation under specific medical restrictions or instructions.

(d) The expiration date for the ~~Medical Examination Report~~ **MER** and the Medical Examiner's Certificate ~~must be~~ **(MEC) is** not more than twenty-four (24) months from the date of the report and certification in the case **of** an applicant who is ~~medically~~ **medically** qualified for an interstate CDL, and not more than twelve (12) months from the date of the report and certification in the case of an applicant who is medically qualified for an intrastate CDL. The expiration date may be an earlier date than the expiration of the twelve (12) or twenty-four (24) month periods if, in the medical examiner's opinion, the interests of public highway safety or the health of the driver requires an earlier follow-up examination.

(e) The driver shall submit a copy of the ~~Medical Examination Report MER and Medical Examiner's Certificate MEC~~ to the bureau, and upon its expiration, shall submit a new ~~Medical Examination Report and Medical Examiner's Certificate, MEC~~. The bureau shall disqualify a driver who does not maintain on file a current valid ~~Medical Examination Report MER and Medical Examiner's Certificate, MEC~~, except that the bureau may, in its discretion, allow one (1) period of not more than thirty (30) days after a valid ~~Medical Examination Report MER and Medical Examiner's Certificate MEC~~ has expired before issuing such a disqualification.

(f) A person who does not meet the requirements of 49 CFR 391\* or of this section shall be ~~is~~ disqualified from operating a CMV. In determining whether a person meets those requirements, the bureau may require the person to provide any additional information or documentation that the bureau reasonably deems necessary to make ~~such a~~ **that** determination. In making ~~such the~~ determination, the bureau may also request and consider the advisory opinion of the Indiana driver's license medical advisory board, the Federal Motor Carrier Safety Administration's regulations, instructions to medical examiners, conference reports on commercial driving and medical conditions, and any other relevant medical reference sources and advice.

(g) The bureau shall not issue a passenger endorsement, a school bus endorsement, or a hazardous materials endorsement to a person with an intrastate restricted CDL.

\*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 IN 46204.

(Bureau of Motor Vehicles; [140 IAC 7-3-6.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); readopted filed Sep 3, 2020, 10:16 a.m.: [20200930-IR-140200090RFA](#); filed Feb 8, 2024, 12:57 p.m.: [20240306-IR-140230734FRA](#))

SECTION 3. [140 IAC 7-5-0.5](#) IS ADDED TO READ AS FOLLOWS:

**[140 IAC 7-5-0.5](#) Truck driver training school approval**

Authority: [IC 9-24-6.1-2](#)

Affected: [IC 9-27-6-3](#); [IC 22-4.1-21-9](#)

**Sec. 0.5. 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.**

(Bureau of Motor Vehicles; [140 IAC 7-5-0.5](#); filed Feb 8, 2024, 12:57 p.m.: [20240306-IR-140230734FRA](#))

SECTION 4. THE FOLLOWING ARE REPEALED: [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](#); [140 IAC 7-5-11](#).

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