

ARTICLE 4. DRIVER EXAMINER DIVISION

Rule 1. Commercial Driver Training Schools and Instructors

140 IAC 4-1-1 Definitions

Authority: IC 9-14-2-2

Affected: IC 9-13-2-105; IC 9-24; IC 9-27-4

Sec. 1. Licensing of commercial driver training schools and instructors. Definitions used in these rules and regulations shall have the meanings ascribed to them as follows unless the context clearly indicates a different meaning:

(1) "Agent" means any person, whether:

(A) employed by a commercial driver training school or operating in his or her behalf; or

(B) acting in behalf of any school located within or outside of the state of Indiana;

who shall personally solicit any individual within this state to enroll in a commercial driver training school or any person acting on the behalf of the commissioner.

(2) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to:

(A) operate or drive motor vehicles; or

(B) prepare an applicant for any examination or validation given by the bureau of motor vehicles for a driver's license; and charging a consideration or tuition for the services.

(3) "Commissioner" means the commissioner of the bureau of motor vehicles.

(4) "Instructor" means:

(A) a person, whether acting for himself or herself as operator of a commercial driver training school or for any such school for compensation, who:

(i) teaches;

(ii) conducts classes of;

(iii) gives demonstrations to; or

(iv) supervises practice of;

persons learning to operate or drive motor vehicles or preparing to take an examination for a drivers license; and

(B) any person who supervises the work of any other such instructor.

(5) "License" means the authorization to:

(A) operate a commercial driver training school; or

(B) act as a commercial driver training instructor;

and any and all documents given with the privilege.

(6) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(7) "Person" means any of the following:

(A) An individual.

(B) A combination of individuals.

(C) A firm.

(D) A partnership.

(E) An association.

(F) A corporation.

(8) "Revocation" means the licensee privilege to:

(A) operate a commercial driver training school; or

(B) give commercial driver training instruction;

is terminated.

(9) "Solicitor" means any individual, firm, or corporation who:

(A) sells;

(B) offers for sale; or

(C) attempts to sell;

any product or service.

(10) "Student" means a person who:

(A) holds a permit; and

- (B) is actively enrolled in a driver education class.
- (11) "Suspension" means the licensee privilege to:
 - (A) operate a commercial driver training school; or
 - (B) give commercial driver training instruction;is temporarily withdrawn.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule I; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 267; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 4-1-2 Application for school license

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 2. Requirements for commercial driver training school license. (a) No person shall:

- (1) operate;
- (2) conduct;
- (3) maintain; or
- (4) establish;

a commercial driver training school in the state of Indiana unless he or she holds a valid, current license issued by the commissioner.

(b) Before any license is issued, an application must be made in writing to the commissioner on forms prepared and furnished by the commissioner.

(c) The application must contain, along with any additional information that the commissioner deems necessary, the following:

- (1) The title or name and address of the school, together with the names, addresses, and e-mail addresses of all owners or partners of an unincorporated school, or the names and addresses of all officers of an incorporated school.
- (2) A list and description of the equipment to be used in the school operation.
- (3) The specified course of instruction that will be offered, and the dates and times of the courses throughout the fiscal year.
- (4) The qualifications of instructors, agents, and supervisors in each specified field together with their names, addresses, and other information as deemed necessary by the commissioner.
- (5) A detailed statement showing the financial condition of the school if requested by the commissioner or his or her authorized agent.

(6) A schedule of all tuitions, fees, and charges to be made by the school.

(7) All owners, officers, and instructors shall be required to provide a limited criminal history background check applied for with the Indiana state police immediately preceding the date of the application.

(d) The following additional information must accompany the application along with any further information that the commissioner shall deem necessary:

(1) Applicants or any officer or partner thereof will be required to furnish with the application three (3) photographs taken within thirty (30) days to date of filing and must be presented with the application. The photographs must consist of one (1) full-face, one (1) left profile, and one (1) right profile. All photographs must:

- (A) be one and one-half (1½) inch square; and
- (B) show the shoulders and an uncovered head.

Updated photographs must be provided to the commissioner upon request.

(2) One (1) set of fingerprints of each digit on the right and left hands accompanied by an affidavit from an Indiana state, county, city, or town enforcement officer, who is qualified to take fingerprints, that the photographs and fingerprints are those of the applicant.

(3) A sworn statement that each instructor employed by the school:

- (A) is in possession of a valid, current instructor's license issued by the commissioner; and
- (B) has not been adjudicated a felon the ten (10) years immediately preceding the date of the application.

(4) Samples of the following:

- (A) All contracts to be used by the school.
- (B) All written examinations to be given to the students.
- (C) All forms used by the school that will be furnished or delivered to the students.

(5) If a commercial driver training school has agents or solicitors employed, a copy of the financial agreement between the school and the agents or solicitors.

(6) The school must furnish each student with a copy of the BMV approved "Code of Responsibilities for Driver Education Students" and "Bill of Rights for Driver Education Students".

(e) Every application for a commercial driver training school license must be accompanied by an application fee of one hundred dollars (\$100) in the form of a certified check, United States postal money order, or corporate check. No license fee will be refunded in the event that the license is rejected, suspended, or revoked. There shall be no reduction in fee in the event of application after the beginning of the fiscal year. Licenses expire at midnight, June 30 of each fiscal year. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule II; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 268; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 4-1-3 License term; transfer; display; replacement; changes; renewal

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 3. (a) Each commercial driver training school license shall be valid for a period of one (1) fiscal year beginning July 1 and ending June 30. The license will be valid only for the fiscal year for which it is issued, and there will be no reduction in fee in the event of application after the beginning of the fiscal year. The license will expire at midnight, June 30 of each fiscal year.

(b) The commercial driver training school license is not transferable. In the event of change of ownership, application for a new license must be made, and the old license surrendered to the commissioner before a new license will be issued to the new owner. The new owner must follow all rules and regulations as described herein to apply for a license as a new school. The school must not conduct any training classes to students during the transition of ownership. The fee for the new license will be one hundred dollars (\$100) in the form of a certified check, United States postal money order, or corporate check and must accompany the application.

(c) The commercial driver training license certificate must be conspicuously displayed in the licensee's principal place of business at all times.

(d) In the event the commercial driver training school license is lost, destroyed, or mutilated, a duplicate must be obtained and will be issued upon proof of the facts and, in case of mutilation, upon surrender of the license. The proof must consist of an affidavit indicating the following:

- (1) The date the license was lost, destroyed, or mutilated.
- (2) The circumstances surrounding the loss, destruction, or mutilation
- (3) In the event of loss or theft, the name of the police department or police authority to which the report was made and the date of the report.

The fee for a duplicate commercial driver training school license will be twenty dollars (\$20). The fee must be in the form of a certified check, United States postal money order, or corporate check and must be remitted before the duplicate will be issued.

(e) In the event of any change in address or a change of officers, etc., the following will be required:

(1) The commissioner must be notified in writing as follows:

(A) Immediately upon the change of address or e-mail address of the owner, partner, or officer.

(B) Within ten (10) days of any change in the officers or directors of a corporation. Officers and directors must supply the same information as would be required on an application by the corporation.

(2) Failure to inform the commissioner will be grounds for suspension or revocation of the commercial driver training school license.

(f) Application or renewal of license requirements are as follows:

(1) Application or renewal of a license must be made on forms prescribed and provided by the commissioner. A renewal fee of one hundred dollars (\$100) in the form of a certified check, United States postal money order, or corporate check must accompany the renewal application.

(2) The application for the renewal of a commercial driver training school must be filed with the commissioner on or before midnight, May 1 of the current license year. Submission of an incomplete application will result in its return, and the commercial driver training school will not be in compliance with the filing deadline stated herein. A commercial driver training school must not conduct business after the expiration of the current license until the commissioner has granted a new license.

(g) To change the name of a commercial driver training school before the expiration date, the owners must make application

to the commissioner for a name change accompanied by a certified check, United States postal money order, or corporate check in the amount of twenty dollars (\$20). The change of name will be contingent upon approval of the commissioner. In the event of refusal, the twenty dollar (\$20) fee shall be refunded. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule III; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 269; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 4-1-4 Location of school

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 20-12-0.5-1; IC 20-19-2-8; IC 20-19-2-10; IC 36-1-2-17

Sec. 4. (a) A commercial driver training school that is properly licensed shall be allowed to conduct classroom training during which an instructor is present in a county outside the county where the school is located to the students of:

- (1) a school corporation (as defined in IC 36-1-2-17);
- (2) a nonpublic secondary school that voluntarily becomes accredited under IC 20-19-2-8;
- (3) a nonpublic secondary school recognized under IC 20-19-2-10;
- (4) a state educational institution (as defined in IC 20-12-0.5-1); or
- (5) a nonaccredited nonpublic school;

if the governing body of the school corporation, nonpublic secondary school, state educational institution, or nonaccredited nonpublic school approves the delivery of the training to its students.

(b) Subsections (a)(1) through (a)(5) are [Subsection (a)(1) through (a)(5) is] subject to a contract or memorandum of understanding from the school corporation, nonpublic secondary school, state educational institution, or nonaccredited nonpublic school with the commercial driver training school who is conducting the course. Classes must be held in a building provided by the school corporation, nonpublic secondary school, state educational institution, or nonaccredited nonpublic school. The commercial driver training school conducting the course is subject to the rules described in section 7 of this rule. The commissioner or the commissioner's designee may accept reasonable alternative requirements to satisfy this rule.

(c) Subject to subsection (a), the commercial driver training school must conduct all classes and operate out of the address appearing on the application.

(d) In no instance shall a commercial driver training school operate in any manner from a residential dwelling. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 270; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 4-1-5 Office operations; classrooms; advertising

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 5. All commercial driver training schools must operate from an office in the following manner:

- (1) The commercial driver training school license shall be placed in a conspicuous location within the office.
- (2) All records pertaining to the operation of the school must be maintained in the main office of the school and available for inspection in the presence of the owner or designee, after giving notice thereof, by the commissioner or his or her authorized agent between the hours of 9 a.m. and 5 p.m. local time, Monday through Saturday, excluding legal holidays. Refusal of the owner or an employee to grant an inspection of the records will be grounds for suspension or revocation.
- (3) The commissioner or his or her authorized agent may periodically attend classroom instruction without notice. Refusal of the owner or an employee to grant attendance will be grounds for suspension or revocation.
- (4) The telephone located in the school must be used exclusively for the operation of the commercial driver training school.
- (5) Sufficient indoor space to teach students the theoretical instruction relating to the rules and regulations of the road and safe driving practices must be included within the office. The classroom must be enclosed to eliminate any and all extraneous interference from the public. The classroom shall:
 - (A) contain chairs and desks or tables in sufficient number to accommodate students;
 - (B) have adequate lighting; and
 - (C) be of sufficient size to comfortably accommodate the students, but in no event shall the classroom contain less than

two hundred twenty-five (225) square feet of usable area.

After June 30, 2009, a minimum of one (1) "unisex" restroom is required with a functioning lock. Approval of any license application will be contingent upon approval of the classroom and office space by the commissioner or his or her authorized agent.

(6) One (1) employee of the school must be available a minimum of thirty (30) hours per week to give information regarding lessons.

(7) The office must not be operated in conjunction with any other business.

(8) The owner or operator will be permitted to list the following:

(A) His or her home phone number in his or her advertisements provided it specifically states that the number may be called after 6 p.m.

(B) His or her home address and phone number on his or her business cards.

(9) All commercial driver training schools wishing to provide information electronically or use a telephone answering service in connection with their business shall do so in the following manner: The electronic information service or use of the telephone answering service shall be secondary in the operation of the school. The telephone answering service shall only be used when there is no one in the school's business office to answer the telephone. The outgoing message is required to provide, at a minimum, the following:

(A) The school's operational hours.

(B) The school's location.

(C) A message indicating calls will be returned to provide requested information.

(10) In the event a commercial driver training school ceases to operate, the commissioner shall be notified in writing ten (10) calendar days before closure and all student records for the preceding fifteen (15) month period must be provided to the bureau upon request.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule V; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 271; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 4-1-6 Name of school

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 6. No commercial driver training school can use, adopt, or conduct any business under a name that is the same, like, or deceptively similar to the name used by another driving school without the written approval of the commissioner. A commercial driver training school cannot use the words:

(1) state;

(2) government;

(3) municipal;

(4) city; or

(5) county;

in any part of the school name. *(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 4-1-7 Ownership of more than one school

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 7. (a) The owner of a commercial driver training school desiring to operate an additional school or schools must make application on forms prescribed and furnished by the commissioner. Upon approval of the application, the commissioner shall issue a license, appropriately endorsed, for use at the school.

(b) It shall be permissible, upon approval by the commissioner, for schools to bear the same name so long as one (1) owner's name is identical for all schools concerned.

(c) Any and all additional schools must meet the same requirements and follow the same procedure as the licensed original as provided for in these rules and regulations. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 4-1-8 Records

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-27-4

Sec. 8. Every commercial driver training school must maintain the following records for three (3) years:

(1) A file setting forth the following:

(A) The name, address, contract number, and terms of payment with respect to every person giving:

- (i) lessons;
- (ii) lectures;
- (iii) tutoring;
- (iv) instructions of any kind; or
- (v) any other service relating to instructions in the operation of a motor vehicle.

(B) The names and addresses of all students along with the amount and type of training completed.

(2) A record of all receipts and disbursements if requested by the commissioner or his or her authorized agent.

(3) A file containing a duplicate copy of every contract entered between the school and every person taking lessons, lectures, tutoring, and instructions relating to the operation of a motor vehicle. The original contract must be given to the student taking instruction and a duplicate thereof retained by the school in the form of paper or electronic provided the school can reproduce it if requested by the commissioner or his or her authorized agent.

(4) An electronic file providing the student's:

- (A) full name;
- (B) phone number;
- (C) contract number;
- (D) grades and hours in classroom;
- (E) behind the wheel training; and
- (F) date of course completion.

(*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VIII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 4-1-9 Contracts with students

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 9. Contracts are required for each student and must be written and conform to the following standards:

(1) Each contract must:

- (A) contain the agreed contract price per hour, lesson, or course;
- (B) enumerate all related charges to be made to the student; and
- (C) include the following clause: "An owner, officer, instructor, agent, or employee of any commercial driver training school shall not state nor give the impression to a student that upon completion of the course, they will guarantee the securing of a driver's license to operate a motor vehicle."

(2) The term "no refund" must not be present in the contract. Schools may substitute the following: "The school will not refund any fee, tuition, or charge or any part thereof should the school be ready, willing, and able to fulfill its part of the contract."

(*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IX; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

140 IAC 4-1-10 Insurance coverage

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-25; IC 9-27-4

Sec. 10. As follows, no commercial driver training school license will be issued unless and until:

(1) The applicant has filed with the commissioner evidence of insurance in a company authorized to do business in the state of Indiana in the amount of at least:

(A) one hundred thousand dollars (\$100,000) because of bodily injury to or death of any one (1) person and subject to said limit respecting one (1) person;

(B) three hundred thousand dollars (\$300,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and

(C) twenty-five thousand dollars (\$25,000) because of injury to or destruction of property in any one (1) accident.

(2) The commercial driver training school must furnish evidence of such insurance coverage in the form of a certificate from the insurance carrier, which shall:

(A) stipulate that the commissioner shall be notified when the policy expires or if it is canceled; and

(B) include the make, model, and manufacturer's identification number of any and all automobiles covered in the policy.

Proof of insurance must be made available to the commissioner upon request.

(3) Commercial driver training schools covered by fleet policies can effect sufficient notice of additional vehicles covered by sending written verification from the insurance company to the commissioner, using the make, model, and manufacturer's identification number, stating that the vehicle has been included in the coverage.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule X; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 4-1-11 Vehicle standards

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-25; IC 9-27-4

Sec. 11. (a) Every motor vehicle used for commercial driver training must have a current Indiana registration plate and be a recent model with not more than five (5) years having elapsed from the date of purchase. As used in this subsection, "date of purchase" means the date of purchase listed upon the certificate of title that was received from the application using the manufacturer's certificate of origin. Every motor vehicle used for commercial driver training must have the additional equipment as follows:

(1) One (1) operable extra foot brake.

(2) One (1) rearview mirror placed on the inside of the motor vehicle.

(3) Two (2) outside rearview mirrors, one (1) on each side of the vehicle.

(4) Cushions for the proper seating of students when necessary.

(b) Every training vehicle being operated by a student must be conspicuously marked and visible from all four (4) sides of the training vehicle.

(c) Every training vehicle must be clean and in good working condition.

(d) The school vehicle identification certificate issued by the commissioner must be carried in the vehicle at all times while driving instructions are being given.

(e) The vehicle registration and current insurance information must be carried in the vehicle at all times. *(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 4-1-12 Curriculum

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 12. Commercial driver training schools licensed by the commissioner must make available both theoretical and practical instruction as follows:

- (1) The theoretical course of instruction shall include, but not be limited to, the following:
 - (A) Subject matter relating to rules and regulations of operating a motor vehicle.
 - (B) Safe driving practices including how to avoid drivers who display aggressive and unsafe behavior.
 - (C) Pedestrian safety.
 - (D) Driver responsibility.
 - (E) Accident reporting.
 - (F) Mental attitudes and physical characteristics of individuals as related to the operation of a motor vehicle.
 - (G) Maintenance of an automobile.
 - (H) Handling of driver emergencies.
 - (I) Driving skills including the following:
 - (i) Proper lane changing.
 - (ii) Lane positioning.
 - (iii) Proper signaling.
 - (iv) Merging.
 - (J) Signs, signals, highway markings, and highway design features that require understanding for the safe operation of a motor vehicle.
 - (K) Backing and parallel parking.

In preparing questions to be used for instructional or evaluative purposes, the school must not use questions prepared in the same manner as examination questions used by the Indiana bureau of motor vehicles.

- (2) The practical course of instruction shall include the demonstration of an actual instruction in:

- (A) stopping;
- (B) starting;
- (C) shifting;
- (D) turning;
- (E) lane changing;
- (F) lane positioning;
- (G) merging;
- (H) signaling;
- (I) backing;
- (J) parallel parking; and
- (K) steering;

in a dual controlled vehicle that meets the standards prescribed by the commissioner.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 274; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 4-1-13 Instructor's license; qualifications

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4-5.5

Sec. 13. (a) No person shall give commercial driver training instruction for compensation or act as a commercial driver training instructor unless he or she:

- (1) holds a valid, current commercial driver training instructor license issued by the commissioner; and
- (2) is employed by a licensed driver training school.

This section does not apply to any full-time teachers in an accredited high school, college, or university who has among his or her duties the teaching of driver's education except when employed as an instructor in a commercial driver training school as set forth in the Act and in these rules and regulations.

- (b) Requirements for applications and applicants are as follows:

- (1) All applications for an instructor's license must be accompanied by a:

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- (A) certified check, United States postal money order, or corporate check in the amount of ten dollars (\$10); and
- (B) notarized statement from the owner of a commercial driver training school listing the applicant's full legal name, the applicant's address, and a statement that the applicant will be employed by the school.

The application for the renewal of an instructor's license must be filed with the commissioner on or before midnight, May 1 of the current license year. Submission of an incomplete application will result in its return, and the instructor will not be in compliance with the filing deadline stated herein. This rule applies to original and renewal applications.

(2) All applicants must be citizens of the United States of America.

(3) Every commercial driver training instructor:

(A) must be:

- (i) at least twenty-one (21) years of age; and
- (ii) a person of high moral character; and

(B) will be required to provide a limited criminal history background check applied for with the Indiana state police.

(4) Every person must hold a valid driver license before making application for a commercial driver training instructor license.

(5) Each application must be accompanied by a statement from a physician certifying mental ability and visual acuity and that the applicant does not have any:

- (A) contractual diseases;
- (B) hearing ailments;
- (C) epilepsy; or
- (D) other malady causing loss of consciousness.

(6) The visual acuity of an instructor must not be less than 20/40 in either eye with or without eyeglasses or other means of visual correction.

(7) The visual fields of an instructor shall not be less than fifty-five (55) degrees in either eye.

(8) An instructor giving practical training shall not be absent one (1) functional eye, hand, foot, or leg.

The commissioner may allow for a case-by-case analysis of an instructor's ability to perform instruction in the vehicle or in the classroom and require additional requirements before licensing.

(c) In conjunction with IC 9-27-4-5.5, requirements for the instructor license are as follows:

(1) The instructor license shall be valid for a period of one (1) fiscal year beginning July 1 and ending June 30. The license will be valid only for the fiscal year for which it is issued, and there will be no reduction in fee in the event of application after the beginning of the fiscal year. All licenses will expire at midnight, June 30 of each fiscal year.

(2) Where an application is made for the renewal of a commercial driver training instructor license, the instructor must not provide instruction or training after the expiration of the current year license until the commissioner has granted a new license.

(3) The instructor wishing to renew his or her license shall submit himself or herself for a complete physical reexamination every other year. The physical must be valid in order to maintain a valid instructor license.

(4) The commissioner, at his or her discretion, may order a complete or partial physical reexamination of any licensed instructor at any time.

(5) An instructor must have in his or her possession an identification card:

- (A) issued by the commissioner; and
- (B) containing information prescribed by the commissioner;

while acting in behalf of the school he or she is licensed to represent.

(6) The instructor's license certificate shall be maintained on file by the commercial driver training school so long as the instructor shall remain in the employ of the school.

(7) Any chargeable accident during any consecutive two (2) year period can make an instructor's license subject to review by the commissioner or his or her authorized agent.

(8) Any violation resulting in suspension or revocation of driving privilege shall cause the revocation of the instructor's license.

(9) Every commercial driver training instructor who is not licensed to operate a motor vehicle by the Indiana bureau of motor vehicles must provide to the commissioner a certified copy of his or her driving record from the jurisdiction from which his or her license is issued. This certified record must be filed:

- (A) with the commissioner before the original application will be approved; and
- (B) upon each and every subsequent renewal.

(10) The commissioner must be notified in writing immediately upon the change of address of driving instructor.

(11) In the event the commercial driver training instructor license is lost, destroyed, or mutilated, a duplicate must be obtained

and will be issued upon proof of the facts and, in the case of mutilation, upon surrender of the license. The proof must consist of an affidavit indicating the following:

- (A) The date the license was lost, destroyed, or mutilated.
- (B) The circumstances surrounding the loss, destruction, or mutilation.
- (C) In the event of loss or theft, the name of the police department or police authority to which the report was made and the date of the report.
- (d) The fee for a duplicate commercial driver training instructor license will be five dollars (\$5). The fee must be:
 - (1) in the form of a certified check, United States postal money order, or corporate check; and
 - (2) remitted before the duplicate will be issued.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 274; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 4-1-14 General provisions

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 14. (a) If the commissioner finds that the application and the school or instructor for which the license is sought complies with:

- (1) IC 9-27-4; and
- (2) the rules and regulations of the commissioner promulgated under the provisions of IC 9-27-4;

a license shall be issued to the applicant.

(b) No person shall perform any instructional duties as an owner or employee of any school or branch thereof unless the person shall meet the qualifications for instructors as herein provided, and all instructional personnel must possess a valid instructor's license issued by the commissioner.

(c) No:

- (1) state official or his or her agent or employee whose duties relate in any way to the issuance of Indiana driver's licenses; or
- (2) employee of the Indiana bureau of motor vehicles or any member of his or her immediate family;

shall be connected in any capacity whatsoever with any commercial driving school.

(d) Any full-time teacher in an accredited high school, college, or university who has among his or her duties the teaching of driver's education shall be exempt from these regulations except when employed as an instructor in a commercial driver training school.

(e) The provisions of the rules and regulations shall not apply to any of the following:

- (1) Any person giving driver training lessons without charge.
- (2) Employers maintaining driver training schools without charge for their employees only.
- (3) Schools or classes conducted by colleges, universities, and high schools for students regularly enrolled in such a course.

(f) The commissioner, at his or her discretion, may establish an advisory board consisting of licensed commercial driver training school operators and licensed commercial driver training instructors. The advisory board shall have as its chairperson the commissioner or his or her appointed representative. The members of the board shall:

- (1) serve at the pleasure of the commissioner; and
- (2) receive no compensation for their services.

(g) No complete course of instruction shall be completed in fewer than sixteen (16) calendar days and not more than one hundred twenty (120) days of the first day the course commences. The one hundred twenty (120) days can only be waived by written agreement of a student or the parent of the minor student. Not more than two (2) hours of classroom and one (1) hour of behind the wheel instruction can be completed in a twenty-four (24) hour period with not more than five (5) two (2) hour classroom sessions and three (3) one (1) hour behind the wheel instruction sessions can be scheduled in less than one (1) week. The school must notify the bureau with the name of any student and an explanation of why he or she did not complete the course within one hundred twenty (120) days.

(h) The commissioner is herein and hereby empowered to grant instructor licenses that are restricted to theoretical instructions when the applicant has some affliction or impairment that would otherwise make it impossible for him or her to receive a license.

(i) The commercial driver training school is required to ascertain, before giving practical instruction to Indiana residents, that the student possesses a valid:

- (1) driver education permit;
- (2) learner's permit;
- (3) operator license;
- (4) chauffeur license; or
- (5) public passenger chauffeur license;

from the Indiana bureau of motor vehicles. All nonresident students must hold a valid license or permit allowing them to operate a motor vehicle in their home state.

(j) The course of instruction for any person holding a valid driver education permit shall consist of both theoretical and practical instruction in at least the minimal amounts of thirty (30) clock hours of classroom and six (6) clock hours of behind the wheel training. In the event that an individual has successfully completed either the theoretical or practical instruction at either an accredited institution or a licensed commercial driver training school, the school at which the individual is applying can, with written certification from the bureau and the school that the individual took the course, give the remaining instruction. When the courses of instruction are given at two (2) schools, the school giving the latter of the courses with records as to the previous instruction may certify that the individual has successfully completed both phases, that is, theoretical and practical, of his or her training.

(k) The school shall do the following:

- (1) Agree to permit the commissioner or his or her representatives to inspect the school.
- (2) Make available to the commissioner, at any time when requested to do so, full information pertaining to any or all items of information contained herein.
- (3) Permit them to make photostatic copies of the school records required to be kept by the commissioner.

(l) A school may change its:

- (1) fee schedule;
- (2) contracts;
- (3) examinations; or
- (4) other forms required to be filed with the commissioner;

only when the school has by certified mail notified the commissioner at least thirty (30) calendar days before the change.

(m) A school shall not do the following:

- (1) Use any name other than its licensed name for advertising or publicity purposes.
- (2) Advertise or imply that it is:
 - (A) supervised;
 - (B) recommended; or
 - (C) endorsed;

by the commissioner or the Indiana bureau of motor vehicles.

(n) No commercial driver training school shall advertise in any manner until such time as the commissioner properly licenses the school.

(1) The school must furnish all advertisements that will be used including Web site information if applicable.

(2) Commercial schools will be permitted to associate with other lawful commercial enterprises and to accept endorsements, promotions, cooperative advertising, and strategic marketing partnerships so long as the ventures:

- (A) do not diminish the importance of driver education;
- (B) are not perceived:

- (i) by the bureau as unethical; and
 - (ii) as an endorsement by the state of Indiana or any of its bureaus or agencies.

(3) Commercial schools must provide the bureau with copies of any and all contracts and information concerning the commercial enterprises if requested by the commissioner or his or her authorized agent.

(o) No commercial driver training school instructor, employee, or agent will be permitted to do the following:

- (1) Accompany any student into any office being used for the giving of driver's license examinations for the purpose of assisting a student taking an examination.
- (2) Loiter in or on the premises rented, leased, owned, or used in conjunction with the Indiana bureau of motor vehicles.
- (3) Personally solicit any individual on the premises rented, leased, owned, or used in conjunction with the Indiana bureau of motor vehicles for the purpose of enrolling them in any commercial driver training school.

(p) Any false information on any application or form shall be grounds for suspension or revocation of any license issued.

(q) The commissioner may suspend or revoke any license or certificate mentioned in this Act or rules and regulations promulgated under IC 9-27-4 if he or she shall find any of the violations listed in this subsection. Violations that are cause for suspension or revocation are inclusive of, but not limited to, the following:

(1) The licensee has violated any provision of:

(A) IC 9-27-4; or

(B) the rules and regulations of the commissioner.

(2) The applicant or licensee or any instructor or agent:

(A) is addicted to the use of:

(i) alcoholic liquors;

(ii) morphine;

(iii) cocaine; or

(iv) other drugs having similar effects; or

(B) shall become incompetent.

(3) The licensee has failed or refused to permit the commissioner or his or her representative to inspect:

(A) the school;

(B) the class;

(C) motor vehicles that are used to teach its students; or

(D) full information pertaining to any or all items contained in the rules and regulations.

(4) The applicant has failed or refused to submit to the commissioner an application for license in the manner prescribed by the commissioner.

(5) The licensee has failed or refused to produce his or her license when requested to do so either by:

(A) prospective students; or

(B) the commissioner or his or her authorized agent.

(6) The applicant or licensee has failed to maintain:

(A) adequate standards of instruction or qualified instructors; or

(B) equipment sufficient to maintain the school or classes.

(7) The licensee is employing instructors, teachers, or agents who have not been approved and licensed by the department.

(8) There has been a change in ownership of the school without advising the department immediately by the herein established procedure.

(9) The licensee is instructing students contrary to the restrictions imposed on the students' driver license.

(10) The licensee has the unauthorized possession of application forms or questionnaires used by the Indiana bureau of motor vehicles in conjunction with administering driver's license examinations.

(r) The license of any driver's license instructor may be suspended or revoked after due notice and a hearing outlining the reasons for suspension or revocation that may include one (1) or more of the following violations:

(1) Willful or repeated violation of any of the provisions of the law, rules, or regulations of the bureau of motor vehicles dealing with licensing.

(2) Committing any act that, in the opinion of the commissioner, constitutes unprofessional conduct, intemperance, or negligence in the performance of duties required and privileges conferred by licensure.

(3) Practicing fraud, deceit, or misrepresentation in obtaining a license.

(4) Conducting fraudulent, misleading, or deceptive advertising or promotion in regard to commercial instruction programs.

Upon application for restoration of a license that has been revoked or suspended for any reason under this rule, the commissioner, at his or her discretion, may reinstate the license or certification after a due hearing and apply restrictions to the restoration.

(s) Violations that are cause for permanent revocation are inclusive of, but not limited to, the following:

(1) The licensee has been convicted of a felony or any crime involving:

(A) violence;

(B) dishonesty;

(C) deceit;

(D) indecency; or

(E) moral conduct.

(2) The licensee has aided or assisted a person in obtaining a driver's license by fraudulent procedure.

(t) The commissioner may enact procedures for electronic transfer of student information, fees, and licensing as modern technology becomes available. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 276; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; filed Apr 13, 2007, 2:45 p.m.: 20070509-IR-140060126FRA; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

Rule 2. Operator or Chauffeur Licensing; Requirements; Procedures

140 IAC 4-2-1 Waiver of age and experience requirements

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 1. Procedures and Requirements for obtaining a waiver of the age and experience requirements for an initial operator's or chauffeur's *[sic.]* license. (1) Requirements for obtaining waiver:

(A) If the individual requesting the waiver is under eighteen (18) years of age:

- (1) The individual requesting the waiver must be the only driver in their household and/or the primary means of support for their family unit.
- (2) The license must contribute directly to the welfare of the household.
- (3) There must be no alternative means of transportation available.
- (4) No one under the age of sixteen (16) will be granted a waiver without proof of completion of an approved driver education course.

(B) If the individual requesting the waiver is over eighteen years of age:

- (1) The individual requesting the waiver must have no other transportation available for gainful employment.
- (2) Transportation available shall be limited to convenient public transportation and/or convenient transportation from a household member.

(2) Procedures for obtaining waiver:

(A) The applicant for waiver shall submit a written request to the Commissioner.

(B) The request will be processed by the Driver Examiner Division of the Bureau of Motor Vehicles.

- (1) The Driver Examiner Division will acknowledge the request and forward an application for waiver to the requesting party.
- (2) The completed application will be reviewed and investigated by the Driver Examiner Division.
- (3) If approved the applicant will receive a written waiver which may be presented to any branch of the Bureau of Motor Vehicles at the time of application for an initial Indiana operator's or chauffeur's license.
- (4) This waiver does not effect any requirement as to the written, vision and driving test.

(C) The Commissioner within his discretion may alter any of the foregoing procedures when in his opinion an extreme emergency exist.

(*Bureau of Motor Vehicles; Driver Examiner Rule 15; filed Jan 14, 1980, 11:50 a.m.: 3 IR 160; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA*)

Rule 3. Vision Screening

140 IAC 4-3-1 Vision test chart (state form 27738)

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 1. The bureau of motor vehicles shall use the Indiana driver's vision test chart (state form 27738), which form is incorporated by reference, to determine the vision capabilities of an individual being tested and the guidelines to be followed for issuing vision license restrictions. The incorporation does not include any later amendments or editions. A person may obtain a copy of the incorporated vision chart by contacting:

Bureau of Motor Vehicles
Driver Examiner Division

Indiana Government Center-North
100 North Senate Avenue, Room 403
Indianapolis, Indiana 46204

(Bureau of Motor Vehicles; 140 IAC 4-3-1; filed Nov 9, 1983, 3:42 p.m.: 7 IR 35; errata, 7 IR 2546; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 917; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

Rule 4. Driver Education Classes

140 IAC 4-4-1 Application

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 9-27-4

Sec. 1. This rule applies to all commercial driver training schools, high school driver education programs, and state driver examiners. *(Bureau of Motor Vehicles; 140 IAC 4-4-1; filed Nov 12, 1998, 3:00 p.m.: 22 IR 970; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

140 IAC 4-4-2 Definitions

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 9-13-2; IC 9-24-2-1; IC 9-27-4

Sec. 2. The following definitions apply throughout this rule:

- (1) "Actively enrolled in a driver education class" means actually attending either the classroom instruction phase or the behind-the-wheel instruction phase of a driver education class.
- (2) "Behind-the-wheel instruction" means that phase of a driver education class that gives a student actual behind-the-wheel driving instruction in a motor vehicle.
- (3) "Bureau" means the bureau of motor vehicles.
- (4) "Certified driver education form" means the bureau-prescribed form given to an applicant by a commercial driver training school or a high school/college driver education program for participation in a driver education class that shall be presented to the bureau when the applicant applies for a driver education permit.
- (5) "Classroom instruction" means that phase of a driver education class that is conducted in a classroom setting and gives a student instruction on the laws and general procedures regarding the operation of a motor vehicle.
- (6) "Commercial driver training school" has the meaning set forth in 140 IAC 4-1-1(1).
- (7) "Drive test" means the bureau-approved standardized examination given by either:
 - (A) a commercial driver training school instructor or high school driver instructor for the purpose of determining whether a student has sufficient physical and mental ability to operate a motor vehicle to qualify for a driver's license and the granting of a waiver; or
 - (B) a state driver examiner for the purpose of determining whether a student has sufficient physical and mental ability to operate a motor vehicle to qualify for a driver's license.
- (8) "Driver education class" means a class administered by a commercial driver training school or a high school driver education program for the purpose of instructing and training individuals to operate a motor vehicle.
- (9) "Driver education learner's permit" means a permit issued to a person who is:
 - (A) at least fifteen (15) years of age;
 - (B) not disqualified under IC 9-24-2-1; and
 - (C) actively enrolled in a driver education class.

This permit allows the person to operate a motor vehicle on Indiana highways only under the conditions contained in this rule.

(10) "Driver education school" means a commercial driver training school or a high school driver education program conducted for the education and training of individuals to operate a motor vehicle.

(11) "Driver instructor" means any individual employed by a commercial driver training school or high school driver education program for the purpose of instructing a driver education class or administering a drive test. Only a person who is affiliated with a commercial driver training school or high school driver education program may act as a driver instructor within the meaning of this rule.

(12) "High school driver education program" means a public, private, or parochial school participating with the bureau and providing a driver education class.

(13) "Learner's permit" means a permit issued to a person who:

(A) is at least sixteen (16) years of age;

(B) is not disqualified under IC 9-24-2-1; and

(C) has passed the written test required to obtain a learner's permit.

(14) "Numbered stamp" means the numbered stamp issued by the bureau and assigned to a commercial driver training school or high school driver education program participating in the waiver program.

(15) "State driver examiner" means an employee of the bureau whose duties include the administration of drive tests at license branches.

(16) "Student" means a person who holds a permit and is actively enrolled in a driver education class.

(17) "Waiver" means the granting of an exemption of the requirement that a drive test be conducted by a state driver examiner. Once a student is granted a waiver, he or she must successfully pass both a mandatory written test and vision screening test before a driver's license may be issued by the bureau. Failure to pass the written/electronic test will automatically invalidate the waiver of the drive test.

(18) "Waiver program" means the program established by the bureau creating a standardized drive test procedure that participating schools must follow in order to grant a waiver to a qualified student.

(Bureau of Motor Vehicles; 140 IAC 4-4-2; filed Nov 12, 1998, 3:00 p.m.: 22 IR 970; errata filed Jul 6, 1999, 11:38 a.m.: 22 IR 3419; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 4-4-3 Certified driver education forms

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 3. A certified driver education form, otherwise known as "CDE Forms", shall be issued to all persons applying for enrollment in a driver education course. The driver education instructor shall postdate the forms no more than three (3) weeks prior to the date the driver education class is scheduled to begin. *(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)*

140 IAC 4-4-4 Effective date of permits

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 4. A permit shall not be issued by the bureau upon presentation of a certified driver education form prior to the date designated on the certified driver education form. *(Bureau of Motor Vehicles; 140 IAC 4-4-4; 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)*

140 IAC 4-4-5 Invalidation

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 5. If a student fails to attend or successfully complete a driver education class, the driver instructor shall notify the bureau in writing, within ten (10) days, that the student failed to attend or successfully complete the class. The bureau shall invalidate the student's driver education learner's permit upon receipt of said notification. *(Bureau of Motor Vehicles; 140 IAC 4-4-5; 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)*

140 IAC 4-4-6 Hours of instruction

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 6. Every student shall successfully complete a minimum of thirty (30) clock hours of classroom instruction and six (6) clock hours of behind-the-wheel instruction in order to qualify for a waiver. (*Bureau of Motor Vehicles; 140 IAC 4-4-6; 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*)

140 IAC 4-4-7 Grade requirements for waiver

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 7. If a student receives a grade of "B-" or lower in the classroom instruction or behind-the-wheel instruction, he or she shall not be eligible to receive a waiver. (*Bureau of Motor Vehicles; 140 IAC 4-4-7; 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*)

140 IAC 4-4-8 Completion of driver education class; permit

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 8. (a) When a student successfully completes a driver education class, his or her permit shall be marked with the following:

- (1) The student's grades.
- (2) The signature of a driver instructor.
- (3) The numbered stamp of the driver education school attended by the student.

(b) In addition to the requirements listed under subsection (a), the driver education instructor must stamp the words "Drive Test Required" on the permit if the student fails to pass the drive test. If the student passes a drive test administered by a driver instructor, the words "No Drive Test Required" shall be stamped on the permit. A student shall be given one (1) and only one (1) drive test administered by a commercial driver school or high school driver instructor.

(c) A drive test shall be administered by a state driver examiner before an operator's license may be issued if the permit is not in compliance with subsection (b).

(d) If there are any irregularities, including, but not limited to, strike-overs, erasures, or the use of white-out, the bureau shall consider the permit invalid. (*Bureau of Motor Vehicles; 140 IAC 4-4-8; 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*)

140 IAC 4-4-9 Drive test for waiver

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 9. (a) In addition to the hours of instruction required under section 6 of this rule and grade requirements under section 7 of this rule, a commercial driver school or high school driver instructor shall offer to administer a drive test to each student enrolled in a driver education class that participates in the bureau waiver program. The student must also pass the drive test to qualify for a waiver. The instructor administering the drive test shall not be the same instructor who provided behind-the-wheel instruction to that student.

(b) All commercial driver or high schools which choose to participate in the bureau waiver program shall use a standardized drive test score sheet, designed and approved by the bureau, to administer and score the drive test.

(c) The signature of the instructor who conducted the classroom instruction, the signature of the instructor who conducted the behind-the-wheel instruction, and the signature of the instructor who administered the drive test must all appear on the standardized drive test score sheet to be valid. The instructor conducting the drive test shall note on the drive test score sheet whether the student passed or failed the test.

(d) Score sheets shall be kept at the location of the school and shall be made available to the bureau upon request for a period of at least two (2) years. (*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*)

140 IAC 4-4-10 Instruction requirements

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 10. (a) Instruction and testing regarding the following items or locations shall be conducted by a commercial driver or high school instructor in the behind-the-wheel instruction:

- (1) School zone.
- (2) Parallel parking.
- (3) Speed zones.
- (4) Intersections.
- (5) General driving behavior.

(b) Instruction and testing regarding the following items or locations shall be provided by a commercial driver or high school instructor in the behind-the-wheel instruction if said items or locations are available:

- (1) Dual lanes.
- (2) One-way streets.
- (3) Railroad crossings.

(Bureau of Motor Vehicles; 140 IAC 4-4-10; filed Nov 12, 1998, 3:00 p.m.: 22 IR 972; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

140 IAC 4-4-11 Automatic failure of drive test

Authority: IC 9-14-2-2; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 11. Any of the following actions shall result in the automatic failure of the drive test:

- (1) Disobeying a yield, stop, school zone, or no turn on red sign.
- (2) Disobeying a traffic signal.
- (3) Backing over a curb while parallel parking.
- (4) Driving into a parked vehicle while parallel parking.
- (5) Failure to follow instructions.
- (6) Failure to use a seat belt.
- (7) Failure to react to hazardous driving conditions.
- (8) Speeding.
- (9) Driving too fast for conditions.
- (10) Turning into or using the wrong lane.
- (11) Passing in a no passing zone or otherwise crossing a solid yellow line.
- (12) Driving left of center.
- (13) Straddling lane markings.
- (14) Driving too close to pedestrians or bicycles.
- (15) Failure to pull over or stop for emergency vehicles or school buses.
- (16) Causing an accident during a road test.
- (17) Failure to yield right-of-way.

It shall be within the discretion of the state driver examiner or driver instructor to continue a drive test after a student has failed the drive test. *(Bureau of Motor Vehicles; 140 IAC 4-4-11; filed Nov 12, 1998, 3:00 p.m.: 22 IR 972; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)*

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