

## ARTICLE 4. DRIVER EXAMINER DIVISION

### Rule 1. Commercial Driver Training Schools and Instructors (*Transferred*)

*NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 4-1) to the Indiana Criminal Justice Institute (205 IAC 3-1) by P.L.107-2008, SECTION 18, effective January 1, 2009.*

#### Rule 1.1. Driver Training and Education

##### 140 IAC 4-1.1-1 Definitions

Authority: IC 9-14-8-3; IC 9-24-10-4; IC 9-27-6

Affected: IC 9-13-2; IC 9-27-6

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Behind-the-wheel training" means the practical portion of the student's training that takes place in a motor vehicle.

(c) "Bureau of motor vehicles" or "bureau" has the meaning set forth in IC 9-13-2-16.

(d) "Bureau of motor vehicles commission" or "commission" has the meaning set forth in IC 9-13-2-32.

(e) "Classroom training" means the classroom or Internet portion of a driver training course that instructs students on the laws and procedures regarding the proper operation of a motor vehicle.

(f) "Commissioner" has the meaning set forth in IC 9-13-2-33.

(g) "Course" means training offered by a school for the purpose of teaching safe operation of a motor vehicle, including classroom training or behind-the-wheel training, or both.

(h) "Driver training school" or "school" has the meaning set forth in IC 9-27-6-3(a).

(i) "Driver training school instructor license" or "instructor license" means the license required by IC 9-27-6-8.

(j) "Driver training school license" or "license" means the license required by IC 9-27-6-6.

(k) "Driving skills test" means the bureau approved standardized driving skills examination given by an instructor or state certified driver examiner pursuant to IC 9-24-10-4(a)(2).

(l) "Instructor" has the meaning set forth in IC 9-27-6-4.

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

(n) "Numbered stamp" means the stamp that the bureau issues and assigns to a driver training school participating in the driving skills test waiver program.

(o) "Owner" means anyone with an ownership interest of any kind in the school.

(p) "Student" means an individual who is actively enrolled in a driver training course and is receiving classroom training or behind-the-wheel training, or both, from a school.

(q) "Waiver" or "driving skills test waiver" means a waiver of a demonstration of an applicant's driving skill referenced by IC 9-24-10-4(c). (*Bureau of Motor Vehicles; 140 IAC 4-1.1-1; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

#### Rule 1.2. Driver Training Schools

##### 140 IAC 4-1.2-1 Driver training school licensing

Authority: IC 9-14-8-3; IC 9-27-6-6; IC 9-27-6-11

Affected: IC 9-27-6-6; IC 9-27-6-10

Sec. 1. (a) In order to obtain a license, the owner of the driver training school must submit an application in the manner prescribed by the bureau that contains the following:

(1) The name, address, telephone number, and, if applicable, website address of the school's primary place of business.

(2) The name, address, telephone number, and e-mail address of the school's owner or owners.

(3) The address of all locations at which the school will conduct business.

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

(5) A fingerprint-based full national criminal background check of each of the school's owners dated within ninety (90) days of the application.

(6) Samples of student contracts and registration forms to be used by the school.

- (7) Copies of contracts or agreements with any person who conducts business with the school related to courses.
- (8) A certificate of insurance demonstrating the minimum insurance coverage set forth in 140 IAC 4-1.5-2.
- (9) Any further information that the bureau requests.
- (b) An application for the renewal of an existing license must be submitted to the bureau on or before May 1 in even-numbered years in the manner prescribed by the bureau and must contain the information set forth in subsection (a).
- (c) An owner must submit a separate application, and obtain a separate license, for each school owned.
- (d) Licenses are not transferable.
- (e) In the event of any change in the information submitted by an owner to the bureau under this section, the owner shall notify the bureau within ten (10) days.
- (f) The owner shall provide any other documentation requested by the bureau.
- (g) The owner may request amendments to existing licenses.
- (h) The bureau may deny an owner's application for a license:
  - (1) if the application fails to demonstrate that the owner qualifies for a license under IC 9-27-6-6 or IC 9-27-6-10;
  - (2) if the owner provides false information to the bureau;
  - (3) if the owner has violated any statute or regulation pertaining to driver training schools; or
  - (4) for any other reasons set forth in applicable statutes or rules.
- (i) The bureau shall review the background check submitted with an application for a license and shall deny the application if the applicant was convicted or found not guilty by reason of insanity in a civilian or military jurisdiction of any felony or crime involving dishonesty. (*Bureau of Motor Vehicles; 140 IAC 4-1.2-1; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

#### **140 IAC 4-1.2-2 Driver training school operations**

Authority: IC 9-14-8-3; IC 9-27-6-6; IC 9-27-6-11

Affected: IC 20-19-2-8; IC 27-17-1-13; IC 36-1-2-17

Sec. 2. (a) Licensed schools may provide classroom training during which an instructor is present in a county outside the county in which the school is located to the students of the schools listed in IC 9-27-6-6(c), but must obtain advance written approval of the governing bodies of the entities listed in IC 9-27-6-6(c)(1), IC 9-27-6-6(c)(2), and IC 9-27-6-6(c)(3) before providing such training.

- (b) A school shall not:
    - (1) operate from a residential dwelling;
    - (2) provide classroom training to a child less than fifteen (15) years of age;
    - (3) employ any current employee of the bureau or the commission or any member of their immediate family;
    - (4) allow any person to provide driver training unless the person is properly licensed as an instructor;
    - (5) solicit persons for driver training at any of the bureau's places of business;
    - (6) falsify or tamper with any records;
    - (7) knowingly assist a person in obtaining driving privileges from the bureau by fraud;
    - (8) use a name that implies any affiliation with the bureau or any other state or local government agency, except when the school is an entity defined under IC 36-1-2-17, IC 20-19-2-8, IC 20-19-2-10 [*IC 20-19-2-10 was repealed by P.L.92-2020, SECTION 15, effective March 18, 2020.*], IC 27-17-1-13, IC 21-17-13-32 [*sic*] or a nonaccredited nonpublic school; or
    - (9) market or advertise its services in a false, deceptive, or misleading manner.
  - (c) A school shall publicly display its license in all of its locations during office hours or course hours.
  - (d) A school may state that it is licensed by the bureau, but a school shall not state that it is supervised, recommended, or endorsed by the bureau.
  - (e) A school shall create and maintain a contract, registration form, or other document signed by the student that states the following:
    - (1) The agreed price for driver training per hour, lesson, or course.
    - (2) All other charges to be made to the student.
    - (3) A description of the training the student must receive (classroom, online, behind-the-wheel, or a combination of these).
- A school may allow for electronic submission of documents under this subsection.
- (f) The school shall make available to each student, in printed form or on the school's website, the bureau approved "Code of

Responsibilities for Driver Education Students" and "Bill of Rights for Driver Education Students".

(g) Subject to space requirements, a school must allow parental attendance at classroom training.

(h) In the event the school or owner receives notice of:

(1) civil legal action filed against an owner or school;

(2) civil legal action filed against an instructor employed by the school that is related to driver training; or

(3) a criminal investigation, arrest, or conviction of an instructor, owner, or school;

the owner shall notify the bureau within one (1) business day and provide any information regarding the action, investigation, arrest, or conviction to the bureau upon request.

(i) In the event of a collision during behind-the-wheel training or a driving skills test, the owner shall report the collision to the bureau within five (5) business days and provide any information regarding the collision to the bureau upon request. (*Bureau of Motor Vehicles; 140 IAC 4-1.2-2; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

#### **140 IAC 4-1.2-3 Online driver training school requirements**

Authority: IC 9-14-8-3; IC 9-27-6-6; IC 9-27-6-11

Affected: IC 9-27-6-6

Sec. 3. A driver training school shall not accept certificates of completion of classroom training from online schools unless the following requirements are met:

(1) The online classroom training curriculum complies with the classroom training requirements of 140 IAC 4-4-1.1.

(2) The online classroom training format and curriculum, and any revisions thereof, are approved by the bureau.

(3) Students completing classroom training online are simultaneously enrolled at a driver training school licensed by the bureau and are at least fifteen (15) years of age.

(4) The online classroom training provider clearly states, on the enrollment page of the provider's website, the following: "Students seeking Indiana driving privileges must be enrolled at a driver training school licensed by the Indiana Bureau of Motor Vehicles and must be at least 15 years of age to earn credit for completing online driver training."

(*Bureau of Motor Vehicles; 140 IAC 4-1.2-3; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

### **Rule 1.3. Driver Training Instructors**

#### **140 IAC 4-1.3-1 Driver training instructor licensing application and renewals**

Authority: IC 9-14-8-3; IC 9-27-6-8; IC 9-27-6-11

Affected: IC 9-27-6

Sec. 1. (a) In order to obtain an instructor's license, a person must submit an application in the manner prescribed by the bureau that contains the following:

(1) The name, address, date of birth, telephone number, and driver's license number of the applicant.

(2) A fingerprint-based full national criminal background check of the applicant dated within ninety (90) days of the application.

(3) A certified copy of the applicant's driver record from the state that issued his or her current driver's license.

(4) A statement or statements from a physician on a form prescribed by the bureau, dated within twelve (12) months of the application date, certifying the applicant's:

(A) mental ability;

(B) minimum corrected visual acuity of 20/40 in each eye;

(C) visual fields of not less than fifty-five (55) degrees in each eye;

(D) absence of communicable diseases; and

(E) absence of a medical condition that may affect the applicant's ability to operate a vehicle safely, give demonstrations, or supervise students operating motor vehicles.

(5) The name and address of each of the applicant's employers for the past five (5) years.

- (6) Two (2) letters from persons who are not blood relatives that the applicant has good moral character.
- (7) Documents demonstrating that the instructor meets the minimum qualifications set forth in subsection (g).
- (8) Any further information requested by the bureau.
- (b) Persons applying to provide instruction only for classroom training may so indicate in their application and need not submit evidence of the minimum visual acuity standards or ability to operate a vehicle safely. The bureau may grant such applicants instructor's licenses that are restricted to classroom instruction.
- (c) An application for the renewal of an instructor's license must:
  - (1) be filed with the bureau on or before May 1 in even-numbered years; and
  - (2) contain the information set forth in subsection (a)(1), (a)(2), (a)(4), and (a)(6) through (a)(8).
- (d) In the event of any change in the information submitted to the bureau under subsection (a), the instructor shall notify the bureau of the changes within ten (10) days.
- (e) The instructor shall provide any other documentation requested by the bureau.
- (f) The instructor may request amendments to an existing license.
- (g) The bureau shall not issue an instructor's license unless the applicant demonstrates that he or she meets the following:
  - (1) Meets one (1) of the following instructor education requirements:
    - (A) Has earned fifty-one (51) semester credit hours at a postsecondary educational institution and nine (9) credit hours of driver education training that included theoretical and behind-the-wheel training consistent with nationally accepted standards in traffic safety and was a part of a curriculum approved by the commission for higher education.
    - (B) Has completed a bureau approved instructor training program and completed twenty (20) hours of behind-the-wheel training instruction that meet the standards set forth in 140 IAC 4-4-1.2.
  - (2) Is a citizen or lawful permanent resident of the United States.
  - (3) Is at least twenty-one (21) years of age.
  - (4) Has held a valid driver's license for at least one (1) year.
- (h) The bureau may deny an application for an instructor's license:
  - (1) if the application fails to demonstrate that the applicant qualifies for a license under IC 9-27-6-8 or IC 9-27-6-10;
  - (2) if the applicant provides false information to the bureau;
  - (3) if the applicant has violated any statute or regulation pertaining to driver training schools; or
  - (4) for any other reasons set forth in applicable statutes or rules.
- (i) The bureau shall review the background check submitted with an application for an instructor license and shall deny the application if the applicant was convicted or found not guilty by reason of insanity in a civilian or military jurisdiction of any felony or crime involving dishonesty.
- (j) The bureau shall review the driver's record of each applicant for an instructor's license and shall deny the application if the applicant has ten (10) or more points under the points system at 140 IAC 1-4.5.
- (k) There is no continuing education requirement for instructors. (*Bureau of Motor Vehicles; 140 IAC 4-1.3-1; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; filed May 23, 2019, 12:04 p.m.: 20190619-IR-140180320FRA*)

#### **140 IAC 4-1.3-2 Driver training instructor requirements**

Authority: IC 9-14-8-3; IC 9-27-6-8; IC 9-27-6-11

Affected: IC 9-27-6-8; IC 9-27-6-11

Sec. 2. (a) An instructor shall:

- (1) provide student driver training that meets the curriculum requirements set forth in this article;
- (2) accurately complete all applicable student driver records required in this article;
- (3) ensure that the student possesses a valid learner's permit or license before giving behind-the-wheel training;
- (4) carry his or her instructor's license while providing driver training; and
- (5) carry his or her driver's license while providing behind-the-wheel training.
- (b) An instructor shall not:
  - (1) falsify or tamper with any records;
  - (2) knowingly assist a person in obtaining driving privileges from the bureau by fraud;
  - (3) provide driver training to any person who is not enrolled in a driver training school, unless the person is a member of the

instructor's immediate family;

(4) allow any student to participate in driver training if the instructor has a reasonable belief that the student is under the influence of an intoxicant;

(5) provide driver training if the instructor is under the influence of an intoxicant;

(6) provide driver training if the instructor's driver's license is expired, suspended, disqualified, or revoked by the bureau or any other jurisdiction or the instructor's license is expired, suspended, or revoked; or

(7) teach driver training more than twelve (12) hours in a calendar day.

*(Bureau of Motor Vehicles; 140 IAC 4-1.3-2; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)*

#### **140 IAC 4-1.3-3 Bureau approved instructor training**

Authority: IC 9-14-8-3; IC 9-27-6-6; IC 9-27-6-11

Affected: IC 4-21.5-3; IC 9-27-6-6

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

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

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

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

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

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

(3) Detailed description of program and courses.

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

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

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

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

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

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

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

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

(h) An instructor training program whose application for approval is denied may appeal the decision by filing a petition for review in accordance with the procedures set forth in IC 4-21.5-3. *(Bureau of Motor Vehicles; 140 IAC 4-1.3-3; filed May 23, 2019, 12:04 p.m.: 20190619-IR-140180320FRA)*

### **Rule 1.4. Driver Training Licensing Fees**

#### **140 IAC 4-1.4-1 Fees**

Authority: IC 9-14-8-3; IC 9-27-6-9; IC 9-27-6-11

Affected: IC 9-27-6; IC 21-7-13-32; IC 36-1-2-17

Sec. 1. (a) The fee for an application for an instructor's license is ten dollars (\$10).

(b) The fee for renewal of an instructor's license is ten dollars (\$10).

(c) The fee for an amendment of an instructor's license is five dollars (\$5).

(d) The fee for an application for a driver training school license is one hundred dollars (\$100) per location.

(e) The fee for renewal of a driver training school license is one hundred dollars (\$100) per location.

(f) The fee for an amendment of a driver training school license is twenty dollars (\$20) per location.

(g) School corporations as defined in IC 36-1-2-17 and state educational institutions as defined in IC 21-7-13-32 are exempt from the driver training school license, renewal, and amendment fees.

(h) If an application for an instructor's license or a driver training school license is denied, and the application is resubmitted within sixty (60) days of the denial, there is no fee for the resubmission. (*Bureau of Motor Vehicles; 140 IAC 4-1.4-1; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

## **Rule 1.5. Administration**

### **140 IAC 4-1.5-1 Criteria upon which to suspend or revoke a driver training school or instructor license**

Authority: IC 9-14-8-3; IC 9-27-6

Affected: IC 9-27-6

Sec. 1. (a) In addition to any reason set forth in applicable statute or rule, the bureau may suspend or revoke a driver training school license or instructor's license for any of the following reasons if the owner, school, or instructor:

(1) No longer meets the requirements of licensure.

(2) Violates any statute or regulation pertaining to driver training.

(3) Provides driver training that is inconsistent with the laws and rules of the state of Indiana.

(4) Provides false information to the bureau.

(5) Fails to cooperate in any audit conducted by the bureau.

(b) The bureau may issue a written warning, impose a suspension, or revoke a license or instructor license in the event of a violation. In determining an appropriate action, the bureau may consider the following criteria:

(1) The severity of the violation or its impact on the safety of the public.

(2) The number of similar or related violations.

(3) Whether the violations were willful or intentional.

(4) Whether the violations involved dishonesty.

(5) The history of prior violations.

(c) In the event the bureau suspends or revokes a driver training school license or an instructor's license, the bureau shall notify the owner or owners listed on the school license application or the instructor, as applicable, by first class mail. (*Bureau of Motor Vehicles; 140 IAC 4-1.5-1; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

### **140 IAC 4-1.5-2 Insurance**

Authority: IC 9-14-8-3; IC 9-27-6

Affected: IC 9-27-6-6; IC 9-27-6-11

Sec. 2. (a) The bureau shall review the insurance coverage of each applicant for a driver training school license and shall deny the application unless the owner demonstrates that it has secured a policy of insurance that contains the following minimum coverage:

(1) 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.

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

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

(b) An owner shall submit a certificate of insurance demonstrating the existence of the minimum coverages provided by this section each time the owner acquires an additional vehicle.

(c) An owner shall maintain the minimum coverages set forth in this section for all vehicles used by the school during the duration of the owner's license. (*Bureau of Motor Vehicles; 140 IAC 4-1.5-2; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

**140 IAC 4-1.5-3 Audits, investigations, and records**

Authority: IC 9-14-8-3; IC 9-27-6

Affected: IC 9-27-6-8; IC 9-27-6-11

Sec. 3. (a) The bureau may audit or investigate an owner or school to confirm compliance with Indiana laws and rules related to driver training.

(b) Each school shall keep the following records in its primary place of business and available for inspection by the bureau:

(1) Documents demonstrating the school's qualifications to hold a license.

(2) Student records for each student of the school for the previous two (2) years that include the following information:

(A) Name.

(B) Address.

(C) Date of birth.

(D) Date of course commencement.

(E) Date of course completion.

(F) Names of the instructors who provided driver training.

(G) Types of instruction completed.

(H) Numbers of hours of instruction completed.

(I) Official driving skills test score sheets, if applicable.

(c) A school shall permit representatives of the bureau to inspect and copy its records and inspect its premises upon request during the bureau's normal operating hours. (*Bureau of Motor Vehicles; 140 IAC 4-1.5-3; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

**140 IAC 4-1.5-4 Hearings**

Authority: IC 9-14-8-3; IC 9-27-6

Affected: IC 4-21.5; IC 9-27-6

Sec. 4. An owner or instructor whose license application has been denied, or whose license or instructor license has been suspended or revoked, is entitled to an administrative hearing consistent with IC 4-21.5. (*Bureau of Motor Vehicles; 140 IAC 4-1.5-4; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA*)

**Rule 2. Operator Licensing; Requirements; Procedures**

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

Authority: IC 9-14-8-3; IC 9-24-3-3

Affected: IC 9-24-3; IC 9-24-4

Sec. 1. (a) The bureau may grant a hardship waiver of the age and experience requirements for an initial operator's license if it is determined either of the following conditions for a hardship are demonstrated by the applicant:

(1) The applicant would be the only licensed driver in the applicant's household, a household member owns or leases a properly registered motor vehicle, and a household member needs the individual to operate the motor vehicle to enable a household member to receive regularly required medical care.

(2) The applicant is the primary means of financial support for the family and no alternative means of transportation exists from another family member or from public transportation to get to and from the applicant's place of employment.

(b) An applicant's driving privileges must not be or have been suspended, revoked, invalidated, canceled, or the subject of any other similar action.

(c) Each applicant must submit a written request on a form prescribed by the bureau for review and investigation.

(d) If a waiver is granted, the applicant will receive a written waiver that may be presented to any branch at the time of application for an initial operator or chauffeur's license.

(e) This waiver does not affect any requirement as to the written, vision, and driving tests.

(f) The commissioner may alter any of the foregoing procedures when in his or her opinion an extreme emergency exists. *(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; 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 Oct 5, 2017, 9:34 a.m.: 20171101-IR-140160492FRA)*

### **Rule 3. Vision Screening**

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

Sec. 1. *(Repealed by Bureau of Motor Vehicles; filed Jun 17, 2013, 11:21 a.m.: 20130717-IR-140120377FRA)*

### **Rule 4. Driver Education Classes**

#### **140 IAC 4-4-1 Application**

Authority: IC 9-14-8-3; IC 9-24-10-4

Affected: IC 9-27-4

Sec. 1. This rule applies to all driver training schools 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; readopted filed Nov 26, 2013, 11:22 a.m.: 20131225-IR-140130487RFA; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)*

#### **140 IAC 4-4-1.1 Driver classroom training standards**

Authority: IC 9-14-8-3; IC 9-27-6

Affected: IC 9-27-6

Sec. 1.1. Driver training schools shall provide classroom training that includes instruction on the following subjects:

- (1) Knowledge of Indiana motor vehicle statutes and administrative rules related to the operation of a motor vehicle.
- (2) Railroad-highway grade crossing safety.
- (3) Safe driving practices, including how to avoid drivers who display aggressive and unsafe behavior.
- (4) Driving techniques for different types of roads and road surfaces and for safe driving near pedestrians, trains, and other vehicles, including, but not limited to, cars, trucks, bicycles, motorcycles, and motor driven cycles.
- (5) Driver responsibility, including, but not limited to, automobile maintenance, insurance, use of safety belts and child restraints, passenger safety, and implied consent laws.
- (6) Defensive driving practices and techniques.
- (7) Accident reporting.
- (8) Mental attitudes and physical characteristics as related to the operation of a motor vehicle.
- (9) How driver use of alcohol, drugs, inhalants, or other substances affects driving ability.
- (10) Distracted driving, including the consequences of using cell phones and other hand held devices while driving.
- (11) Maintenance of a motor vehicle.
- (12) Handling of driver emergencies.
- (13) Driving skills, including, but not limited to, lane changing, lane positioning, signaling, merging, signage, highway markings, highway design features as they relate to safe driving, backing, and parallel parking.
- (14) Procedure for participation in the organ donation program.

*(Bureau of Motor Vehicles; 140 IAC 4-4-1.1; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3,*



2020, 10:16 a.m.: 20200930-IR-140200090RFA)

**140 IAC 4-4-1.2 Behind-the-wheel driver training standards**

Authority: IC 9-14-8-3; IC 9-27-6

Affected: IC 9-27-6

Sec. 1.2. Driver training schools shall provide behind-the-wheel training that includes instruction on and demonstration of the following in a dual-controlled motor vehicle:

- (1) Stopping.
- (2) Starting.
- (3) Shifting.
- (4) Lane changing.
- (5) Lane positioning.
- (6) Merging.
- (7) Signaling.
- (8) Backing.
- (9) Parallel parking.
- (10) Steering.
- (11) School zones.
- (12) Speed zones.
- (13) Intersections.
- (14) General driving behavior.
- (15) Dual lanes and multi-lanes.
- (16) Railroad-highway grade crossing safety.
- (17) Managing space around the vehicle by adjusting speed and position to avoid conflicts and reduce risk.
- (18) Sharing the road with other vehicles with special emphasis on motorcycles, bicycles, and large trucks.
- (19) Distracted driving.

(Bureau of Motor Vehicles; 140 IAC 4-4-1.2; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)

**140 IAC 4-4-1.3 Driver training school vehicle standards**

Authority: IC 9-14-8-3; IC 9-27-6-6; IC 9-27-6-11

Affected: IC 9-27-6-6; IC 9-27-6-11

Sec. 1.3. (a) Any motor vehicles owned or leased by a school for behind-the-wheel training must:

- (1) possess a current registration and license plate for that vehicle;
  - (2) not be more than ten (10) years older than the vehicle's year of manufacture;
  - (3) be equipped with the following:
    - (A) A foot brake control for both the student driver and the instructor, connected either by mechanical or hydraulic means.
    - (B) One (1) rearview mirror placed on the inside of the motor vehicle.
    - (C) Two (2) outside rearview mirrors, one (1) on each side of the vehicle.
    - (D) Safety belts;
  - (4) contain markings that identify the vehicle as a driver training vehicle that are visible from the left, right, and rear sides of the vehicle; and
  - (5) be maintained in safe mechanical and physical condition.
- (b) The following must be kept in the vehicle at all times during behind-the-wheel training:
- (1) A completed school vehicle inspection form as prescribed by the bureau.
  - (2) The vehicle registration and current insurance information.

(Bureau of Motor Vehicles; 140 IAC 4-4-1.3; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; readopted filed Sep 3,

2020, 10:16 a.m.: 20200930-IR-140200090RFA)

**140 IAC 4-4-2 Definitions (*Repealed*)**

Sec. 2. (*Repealed by Bureau of Motor Vehicles; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA*)

**140 IAC 4-4-3 Certified driver education forms**

Authority: IC 9-14-8-3; IC 9-27-6

Affected: IC 9-27-6

Sec. 3. (a) A certified driver education (CDE) form must be issued to all persons applying for enrollment in the behind-the-wheel portion of a driver education course. The school or instructor shall not issue a CDE form to a student more than three (3) weeks prior to the date the driver education class is scheduled to begin.

(b) A classroom training provider must provide written proof of completion of the classroom training course to the student. (*Bureau of Motor Vehicles; 140 IAC 4-4-3; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; filed May 23, 2019, 12:04 p.m.: 20190619-IR-140180320FRA*)

**140 IAC 4-4-4 Effective date of permits (*Repealed*)**

Sec. 4. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 4-4-5 Invalidation (*Repealed*)**

Sec. 5. (*Repealed by Bureau of Motor Vehicles; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA*)

**140 IAC 4-4-6 Hours of instruction; invalidation**

Authority: IC 9-14-8-3; IC 9-27-6-6; IC 9-27-6-11

Affected: IC 9-24-3-2.5; IC 9-27-6

Sec. 6. (a) In addition to any other requirements, every student shall attend a minimum of thirty (30) hours of classroom training and six (6) hours of behind-the-wheel training to complete a driver education class successfully and to be eligible for a driving skills test waiver.

(b) If a student fails to attend the required minimum number of hours of instruction, or fails to complete a driver education class successfully, the school shall notify the bureau in writing, within ten (10) days, that the student failed to attend or successfully complete the class. The bureau shall expire the student's learner's permit upon receipt of said notification.

(c) A student may not complete more than three (3) hours of classroom training in a calendar day, and may not complete more than one (1) hour of behind-the-wheel training in a calendar day.

(d) Individuals who have successfully completed either the classroom training or behind-the-wheel training phase of an approved course at a licensed school may transfer that phase of the course to another licensed school if:

(1) the second school is willing to complete the unfinished phase of the course;

(2) the first school transfers written documentation to the second school, showing which phase the student successfully completed; and

(3) upon successful completion of both phases, the second school certifies that the individual has successfully completed both phases.

(e) Individuals who have not fully completed a phase of a course may transfer the completed portions of the course to another school only under the following conditions:

(1) The first school is unable to complete the course within one hundred twenty (120) days of its commencement.

(2) The student is unable to complete the course due to illness, injury, or other circumstances not under the student's or parents'

reasonable control.

(3) Other justifications approved by the bureau.

*(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; 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; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)*

#### **140 IAC 4-4-7 Grade requirements for driver education class and for waiver**

Authority: IC 9-14-8-3; IC 9-24-10-4

Affected: IC 9-24-10-4; IC 9-27-6-11

Sec. 7. A student must receive a score of eighty percent (80%) or higher in the classroom training and the behind-the-wheel training to successfully complete the course and to be eligible to receive a driving skills test 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; 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; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)*

#### **140 IAC 4-4-8 Completion of driver training school course; permit**

Authority: IC 9-14-8-3; IC 9-24-10-4

Affected: IC 9-24-7; IC 9-27-6-6; IC 9-27-6-11

Sec. 8. (a) When a student successfully completes a course, the student's learner's permit must be marked with the following:

(1) "Pass" or "Fail".

(2) The original signature or signatures of the instructor who provided the student's classroom training and the instructor who provided the student's behind-the-wheel training.

(3) The numbered stamp of the school attended by the student.

(b) In addition to the requirements listed under subsection (a), if the student passes a driving skills test administered by an instructor, the words "No Drive Test Required" must be stamped on the permit using the school's numbered stamp and the original signature of the instructor who administered the driving skills test.

(c) A state driver examiner shall administer a driving skills test to anyone whose learner's permit does not comply with subsection (b), or who has a disability that requires the individual to use special mechanical control devices to operate the motor vehicle properly.

(d) A learner's permit containing any irregularities, including, but not limited to, strike-outs, erasures, or the use of white-out, is invalid.

(e) The bureau may prescribe and allow for alternate or electronic submission of any documents under this section. *(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; 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; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)*

#### **140 IAC 4-4-9 Driving skills test for waiver**

Authority: IC 9-14-8-3; IC 9-24-10-4

Affected: IC 9-24-10-4; IC 9-27-6-6; IC 9-27-6-11

Sec. 9. (a) A school that participates in the waiver program shall offer to administer a driving skills test to each of its students. The student must pass the driving skills test to qualify for a waiver.

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

(c) The original signatures of:

- (1) the instructor who conducted the classroom training;
- (2) the instructor who conducted the behind-the-wheel training; and
- (3) the instructor who administered the driving skills test;

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

(d) A person's waiver privilege expires when the person's learner's permit expires.

(e) Every school shall 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) Students shall take the driving skills test independently except as otherwise required by law and without unfair assistance from the instructor. *(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)*

#### **140 IAC 4-4-10 Instruction requirements (Repealed)**

Sec. 10. *(Repealed by Bureau of Motor Vehicles; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA)*

#### **140 IAC 4-4-11 Automatic failure of driving skills test**

Authority: IC 9-14-8-3

Affected: IC 9-24-10

Sec. 11. (a) Any of the following actions must result in the automatic failure of the driving skills 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 driving skills test.
- (17) Failure to yield right-of-way.
- (18) Failure to obey required laws at a railroad crossing.

(b) It is within the discretion of the state driver examiner or instructor to continue a driving skills test after a student has failed. *(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; 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; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)*

### **Rule 5. Examinations Required for Expired Driver's License**

**140 IAC 4-5-1 Examination requirements for an Indiana driver's license after prior Indiana driver's license expired**

Authority: IC 9-14-8-3; IC 9-24-11-2

Affected: IC 9-24

Sec. 1. In addition to all other legal requirements, an individual applying for an Indiana operator's license after the individual's Indiana license expired must do the following:

- (1) If the license expired not more than six (6) months before the current application, the individual must pass an eyesight examination.
- (2) If the license expired more than six (6) months but not more than three (3) years before the current application, the individual must pass:
  - (A) an eyesight examination; and
  - (B) the written examination or examinations applicable to the type of license and endorsement sought.
- (3) If the license expired more than three (3) years before the current application, the individual must pass:
  - (A) an eyesight examination;
  - (B) the written examination or examinations applicable to the type of license and endorsement sought; and
  - (C) a driving skills examination.

*(Bureau of Motor Vehicles, 140 IAC 4-5-1; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA; filed Oct 5, 2017, 9:34 a.m.: 20171101-IR-140160492FRA)*

**140 IAC 4-5-2 Examination requirements for an Indiana operator's license after prior out-of-state license expired**

Authority: IC 9-14-8-3; IC 9-24-11-2

Affected: IC 9-24

Sec. 2. In addition to all other legal requirements, an individual applying for an Indiana operator's license after the individual's out-of-state license expired must do the following:

- (1) If the applicant held an unrevoked license for at least one (1) year, and the license expired not more than three (3) years before the current application, the individual must pass:
  - (A) an eyesight examination; and
  - (B) the written examination.
- (2) If the applicant held an unrevoked license for less than one (1) year, or the license expired more than three (3) years before the current application, the individual must pass:
  - (A) an eyesight examination;
  - (B) the written examination; and
  - (C) a driving skills examination.

*(Bureau of Motor Vehicles, 140 IAC 4-5-2; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA; filed Oct 5, 2017, 9:34 a.m.: 20171101-IR-140160492FRA)*

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