

IC 9-24-10

Chapter 10. Examination for License or Permit

IC 9-24-10-1

Examination required

Sec. 1. An individual who applies for a permit or license under this chapter and who is required by this chapter to take an examination shall, upon applying for the permit or license:

(1) appear before a member of the bureau designated by the commissioner; or

(2) appear before an instructor having an endorsement under IC 9-27-6-8 who did not instruct the individual applying for the license or permit in driver education;

and be examined concerning the applicant's qualifications and ability to operate a motor vehicle upon Indiana highways.

As added by P.L.2-1991, SEC.12. Amended by P.L.145-2011, SEC.18.

IC 9-24-10-2

Rules

Sec. 2. The bureau may adopt rules under IC 4-22-2 necessary for the conduct of examinations for a learner's permit, an operator's license, a chauffeur's license, and a public passenger chauffeur's license in accordance with this chapter concerning the qualifications and ability of applicants to operate motor vehicles in accordance with the rights and privileges of those permits and licenses.

As added by P.L.2-1991, SEC.12.

IC 9-24-10-3

Location of examination

Sec. 3. (a) Except as provided by subsection (b), examinations shall be held in the county where the license branch office in which the application was made is located, within a reasonable length of time following the date of the application.

(b) After June 30, 2011, an applicant may take any or all of the tests required by section 4(a)(1)(B), 4(a)(1)(C), and 4(a)(2) of this chapter at any location in Indiana.

As added by P.L.2-1991, SEC.12. Amended by P.L.210-2005, SEC.39; P.L.145-2011, SEC.19.

IC 9-24-10-4

Examination components; no civil or criminal liability for certain reports made concerning fitness of applicant to operate a motor vehicle

Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit must consist of a test of the applicant's eyesight and knowledge of IC 9-26-1-1.5. All other examinations must include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination.

(c) The bureau:

(1) shall waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a skills test given by a commercial driver training school or driver education program given by an entity licensed under IC 9-27-6-7; and

(2) may waive the testing, other than testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a commercial driver training school or an entity licensed under IC 9-27-6-7.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1)(B) and (a)(1)(C).

(e) An instructor having an endorsement under IC 9-27-6-8 who did not instruct the applicant for the license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

As added by P.L.2-1991, SEC.12. Amended by P.L.93-1997, SEC.13; P.L.126-2008, SEC.2; P.L.145-2011, SEC.20.

IC 9-24-10-5

Uniform rules and requirements

Sec. 5. The bureau shall print, for the mandatory use of individuals conducting the examinations, the rules and requirements that must be uniformly and impartially followed in making the examinations.

As added by P.L.2-1991, SEC.12.

IC 9-24-10-6

Unsafe drivers; examination

Sec. 6. The bureau, before issuing a license, may examine or cause to be examined an applicant for an operator's, a chauffeur's, or a public passenger chauffeur's license and an applicant for a renewal of those licenses who has a bad driving record. The bureau may cause the examination to be made whenever it appears from:

- (1) the face of the application;
- (2) the apparent physical or mental condition of the applicant;
- or
- (3) any information that has come to the attention of the bureau;

that the applicant does not apparently possess the physical, mental, or other qualifications to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

As added by P.L.2-1991, SEC.12.

IC 9-24-10-7

Licensed operators and chauffeurs; examination; bureau actions; appeals

Sec. 7. (a) If the bureau has good cause to believe that a licensed driver is:

- (1) incompetent; or
- (2) otherwise not qualified to be licensed;

the bureau may, upon written notice of at least five (5) days, require the licensed driver to submit to an examination. The bureau also may conduct a reasonable investigation of the driver's continued fitness to operate a motor vehicle safely, including requesting medical information from the driver or the driver's health care sources.

(b) Upon the conclusion of an examination or investigation under this section, the bureau:

- (1) shall take appropriate action; and
- (2) may:
 - (A) suspend or revoke the license of the licensed driver;
 - (B) permit the licensed driver to retain the license of the licensed driver; or
 - (C) issue a restricted license subject to restrictions considered necessary in the interest of public safety.

(c) If a licensed driver refuses or neglects to submit to an examination under this section, the bureau may suspend or revoke the license of the licensed driver. The bureau may not suspend or revoke the license of the licensed driver until a reasonable investigation of the driver's continued fitness to operate a motor vehicle safely has been made by the bureau.

(d) A licensed driver may appeal an action taken by the bureau under this section to the circuit court or superior court of the county in which the licensed driver resides.

As added by P.L.2-1991, SEC.12. Amended by P.L.210-2005, SEC.40.

IC 9-24-10-7.5

Physician, optometrist, or advanced practice nurse immunity

Sec. 7.5. A physician licensed to practice medicine under IC 25-22.5, an optometrist licensed to practice optometry under IC 25-24, or an advanced practice nurse licensed under IC 25-23 who has personally examined the patient not more than thirty (30) days before making a report concerning the patient's fitness to operate a motor vehicle is not civilly or criminally liable for a report made in good faith to the:

- (1) bureau;
- (2) commission; or
- (3) driver licensing medical advisory board;

concerning the fitness of a patient of the physician, optometrist, or advanced practice nurse to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

As added by P.L.210-2005, SEC.41.

IC 9-24-10-8

Violations

Sec. 8. A person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.12.