

TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule
LSA Document #21-460

DIGEST

Amends [140 IAC](#), updating credential, registration, driver education, and other Bureau of Motor Vehicle related administrative code. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[140 IAC 1-9-1](#); [140 IAC 1-9-3](#); [140 IAC 1-9-4](#); [140 IAC 1-9-5](#); [140 IAC 1-10-1](#); [140 IAC 2-1-14](#); [140 IAC 4-1.1-1](#); [140 IAC 4-1.2-2](#); [140 IAC 4-1.2-3](#); [140 IAC 4-1.3-1](#); [140 IAC 4-1.3-2](#); [140 IAC 4-1.3-3](#); [140 IAC 4-1.4-1](#); [140 IAC 4-1.5-3](#); [140 IAC 4-2-1](#); [140 IAC 4-4-1.1](#); [140 IAC 4-4-1.2](#); [140 IAC 4-4-1.3](#); [140 IAC 4-4-6](#); [140 IAC 4-4-7](#); [140 IAC 4-4-8](#); [140 IAC 4-4-9](#); [140 IAC 4-4-11](#); [140 IAC 4-5-1](#); [140 IAC 4-5-2](#); [140 IAC 7-1.1-3](#); [140 IAC 7-1.1-4](#); [140 IAC 7-1.2-1](#); [140 IAC 7-3-3.5](#); [140 IAC 7-3-17.5](#); [140 IAC 7-6](#); [140 IAC 8-3-29](#); [140 IAC 8-6](#); [140 IAC 9-4-8](#)

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

[140 IAC 1-9-1](#) Reasonable grounds for suspension and revocation

Authority: [IC 9-14-8-3](#)

Affected: [IC 9-14-8-3](#); [IC 9-30-4](#)

Sec. 1. The term "reasonable ground", as used in ~~[IC 9-30-4-1](#)~~ [IC 9-14-8-3](#), includes the following:

(1) Presenting false, misleading or incorrect information or misrepresenting information to the bureau for the purpose of obtaining or renewing a driver's license, permit, identification card, certificate of registration, or license plate, **or certificate of title**.

(2) Obtaining or using a driver's license, learner's permit, identification card, certificate of registration, or license plate, **or certificate of title** through fraud, misrepresentation, or the use of incorrect or misleading information.

(3) Obtaining or maintaining a driver's license, learner's permit, identification card, certificate of registration, or license plate, **or certificate of title** by a person who was not qualified to do so.

(4) The issuance of a driver's license, permit, identification card, certificate of registration, or license plate, **or certificate of title** in error or as the result of a mistake.

(5) Any other situation in which a suspension or revocation is necessary to prevent the misuse or improper issuance of a driver's license, permit, identification card, certificate of registration, or license plate, **or certificate of title**.

(6) Any other situation in which a suspension or revocation is necessary to ensure public safety. or

(7) Any other suspension or revocation specifically provided for in statute or regulation.

(Bureau of Motor Vehicles; [140 IAC 1-9-1](#); filed Dec 22, 2014, 4:00 p.m.: [20150121-IR-140140101FRA](#); readopted filed May 6, 2021, 9:11 a.m.: [20210602-IR-140210126RFA](#))

SECTION 2. [140 IAC 1-9-3](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-9-3](#) Notice

Authority: [IC 9-14-8-3](#)

Affected: [IC 9-14-8-3](#); [IC 9-30-4](#)

Sec. 3. The bureau shall notify a person in writing of a suspension or revocation of driving privileges, driver's license or permit, certificate of registration, or license plate, **or certificate of title** under ~~[IC 9-30-4-1](#)~~ [IC 9-14-8-3](#). The notice shall include the following:

(1) A description of the action taken by the bureau.

(2) A statement that the person may request a review by making such a request within eighteen (18) days of the notice. and

(3) Instructions for requesting a review.

(Bureau of Motor Vehicles; [140 IAC 1-9-3](#); filed Dec 22, 2014, 4:00 p.m.: [20150121-IR-140140101FRA](#); readopted filed May 6, 2021, 9:11 a.m.: [20210602-IR-140210126RFA](#))

SECTION 3. [140 IAC 1-9-4](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-9-4](#) Procedure for administrative hearing

Authority: [IC 9-14-8-3](#); [IC 9-30-4](#)

Affected: [IC 9-14-8-3](#); [IC 9-30-4](#)

Sec. 4. (a) This section applies only to a suspension or revocation under ~~subsection 1(1) or 1(2)~~ **section 1(1) or 1(2)** of this rule.

(b) A person whose driving privileges, driver's license or permit, certificate of registration, ~~or~~ license plate, **or certificate of title** are suspended or revoked under ~~subsection 1(1) or 1(2)~~ **section 1(1) or 1(2)** of this rule may request an administrative review of the action and is entitled to a hearing if a request for administrative review is made. The request for review must be received within eighteen (18) days of the date of the notice under this section.

(c) A person requesting a review under this section must submit all documents and information relevant to the determination at the hearing.

(d) When conducting a review of a suspension or revocation under this section, the administrative law judge may consider all relevant matters, including, but not limited, to the following:

- (1) The person's age at the time of the fraud or misrepresentation.
- (2) The passage of time since the fraud or misrepresentation.
- (3) The person's purported intent.
- (4) The person's cooperation with the bureau and other law enforcement.
- (5) The results of any criminal prosecution that resulted from the fraud or misrepresentation.
- (6) The hardship imposed on the person by suspension.
- (7) The likelihood that the person will participate in additional fraudulent activity or misrepresentations.
- (8) Whether, and to what extent, the person's privileges were suspended or rendered invalid at the time of the determination. ~~and~~
- (9) Any other factor relevant to the determination of an action under ~~[IC 9-30-4-1](#)~~ [IC 9-14-8-3](#).

(e) Upon receipt of a timely request for a review under this section, the bureau shall stay the suspension or revocation under ~~[IC 9-30-4-1](#)~~ [IC 9-14-8-3](#) pending a determination, unless otherwise required by law.

(Bureau of Motor Vehicles; [140 IAC 1-9-4](#); filed Dec 22, 2014, 4:00 p.m.: [20150121-IR-140140101FRA](#); readopted filed May 6, 2021, 9:11 a.m.: [20210602-IR-140210126RFA](#))

SECTION 4. [140 IAC 1-9-5](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-9-5](#) Procedure for administrative review

Authority: [IC 9-14-8-3](#); [IC 9-30-4](#)

Affected: [IC 9-14-8-3](#); [IC 9-30-4](#)

Sec. 5. (a) This section applies only to a suspension or revocation under ~~subsections 1(3) through 1(7)~~ **section 1(3) through 1(7)** of this rule.

(b) A person whose driving privileges, driver's license or permit, certificate of registration, ~~or~~ license plate, **or certificate of title** are suspended or revoked under ~~subsections 1(3) through 1(7)~~ **section 1(3) through 1(7)** of this rule may request an administrative review of the action. The request for review must be received within eighteen (18) days of the date of the notice under this section.

(c) A person requesting a review under this section must submit all documents and information relevant to the review with his or her request.

(d) When conducting a review under this section, the agency may consider all relevant matters.

(e) Upon receipt of a timely request for a review under this section, the bureau shall stay the suspension or revocation under [IC 9-30-4-1 IC 9-14-8-3](#) pending a determination, unless otherwise required by law.

(Bureau of Motor Vehicles; [140 IAC 1-9-5](#); filed Dec 22, 2014, 4:00 p.m.: [20150121-IR-140140101FRA](#); readopted filed May 6, 2021, 9:11 a.m.: [20210602-IR-140210126RFA](#))

SECTION 5. [140 IAC 1-10-1](#) IS ADDED TO READ AS FOLLOWS:

[140 IAC 1-10-1](#) Procedure for material error review

Authority: [IC 9-14-8-3](#)

Affected: [IC 9-33-2-1](#)

Sec. 1. A request for a review pursuant to [IC 9-33-2-1](#) must:

- (1) set forth with reasonable particularity the error the person believes exists within the records of the bureau; and**
- (2) include any documentation supporting the claim.**

(Bureau of Motor Vehicles; [140 IAC 1-10-1](#))

SECTION 6. [140 IAC 2-1-14](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 2-1-14](#) License plate life cycle

Authority: [IC 9-14-8-3](#); [IC 9-18.1-4-3](#)

Affected: [IC 9-18.1-4](#); [IC 9-18.5-3](#); [IC 9-18.5-10](#)

Sec. 14. (a) Except as provided in this section, a license plate has a life cycle of ~~seven (7)~~ **ten (10)** registration years from its initial circulation.

(b) The commissioner or the commissioner's designee shall designate the life cycle, not to exceed ~~seven (7)~~ **ten (10)** registration years, for the following license plates:

- (1) General assembly and state official plates issued under [IC 9-18.5-3](#).
- (2) County political party license plates issued under [140 IAC 2-5-8](#).
- (3) Any license plate with a special pull license plate number under [140 IAC 2-5-10](#) that is controlled by a specialty group or other organization.
- (4) Civic event license plates issued under [IC 9-18.5-10](#).
- (5) Any plate determined by the commissioner or the commissioner's designee to need a life cycle shorter than ~~seven (7)~~ **ten (10)** registration years.

(c) A license plate issued as a permanent plate does not have a fixed license plate life cycle.

(Bureau of Motor Vehicles; [140 IAC 2-1-14](#); 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 4, 2015, 1:14 p.m.: [20151202-IR-140150119FRA](#), eff Jan 1, 2016; filed Oct 5, 2017, 9:34 a.m.: [20171101-IR-140160492FRA](#))

SECTION 7. [140 IAC 4-1.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[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)~~ (e) "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).

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

~~(h)~~ (g) "Driver training school" or "school" has the meaning set forth in [IC 9-27-6-3\(a\)](#).

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

~~(j)~~ (i) "Driver training school license" or "license" means the license required by [IC 9-27-6-6](#).

~~(k)~~ (j) "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)~~ (k) "Instructor" has the meaning set forth in [IC 9-27-6-4](#).

~~(m)~~ (l) "Motor vehicle" has the meaning set forth in [IC 9-13-2-105](#).

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

~~(p)~~ (o) "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\(c\)](#).~~

(p) "Theoretical 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.

(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](#))

SECTION 8. [140 IAC 4-1.2-2](#) IS AMENDED TO READ AS FOLLOWS:

[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 9-27-6-6](#); [IC 20-19-2-8](#); [IC 21-7-13-32](#); [IC 27-17-1-13](#); [IC 36-1-2-17](#)

Sec. 2. (a) Licensed schools may provide ~~classroom~~ **theoretical** 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~~ **theoretical** 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 27-17-1-13](#), ~~[IC 21-17-13-32](#)~~, [IC 21-7-13-32](#), 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,~~ **(theoretical**, 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~~ **theoretical** 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](#))

SECTION 9. [140 IAC 4-1.2-3](#) IS AMENDED TO READ AS FOLLOWS:

[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~~ **theoretical** training from online schools unless the following requirements are met:

- (1) The online ~~classroom~~ **theoretical** training curriculum complies with the ~~classroom~~ **theoretical** training

requirements of [140 IAC 4-4-1.1](#).

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

(3) Students completing ~~classroom~~ **theoretical** 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~~ **theoretical** 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](#))

SECTION 10. [140 IAC 4-1.3-1](#) IS AMENDED TO READ AS FOLLOWS:

[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) (6) Documents demonstrating that the instructor meets the minimum qualifications set forth in subsection (g).~~
- ~~(8) (7) Any further information requested by the bureau.~~

(b) Persons applying to provide instruction only for ~~classroom~~ **theoretical** 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~~ **theoretical training** 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)(3)**, (a)(4), and ~~(a)(6) through (a)(8)~~: **(a)(7)**.

(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~~ **three (3) years**.

(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](#)~~ **more than two (2) moving offenses in a twelve (12) month period immediately prior to the application**.

(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](#))

SECTION 11. [140 IAC 4-1.3-2](#) IS AMENDED TO READ AS FOLLOWS:

[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~~ **has on their person an unexpired** 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](#);

SECTION 12. [140 IAC 4-1.3-3](#) IS AMENDED TO READ AS FOLLOWS:

[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 **or creator**.
- (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](#))

SECTION 13. [140 IAC 4-1.4-1](#) IS AMENDED TO READ AS FOLLOWS:

[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 **or replacement** 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 **or replacement** 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](#))

SECTION 14. [140 IAC 4-1.5-3](#) IS AMENDED TO READ AS FOLLOWS:

[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.

(3) A copy of the route or routes used by the school in administering a skills test.

(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](#))

SECTION 15. [140 IAC 4-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[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~~ **or** experience requirements for an initial ~~operator's~~ **driver'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) The bureau may grant a hardship waiver of the practice driving requirements for an initial driver's license if it is determined any of the following conditions for a hardship are demonstrated by the applicant:

- (1) The applicant has no licensed driver in Indiana that can supervise their practice driving.**
- (2) The applicant has held an Indiana learner's permit in the past and is currently holding a renewed learner's permit.**
- (3) The applicant meets either of the conditions set out in subsection (a).**

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

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

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

~~(f)~~ **(g)** 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](#))

SECTION 16. [140 IAC 4-4-1.1](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 4-4-1.1](#) Driver theoretical 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~~ **theoretical** 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](#))

SECTION 17. [140 IAC 4-4-1.2](#) IS AMENDED TO READ AS FOLLOWS:

[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. (a) 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) (11) Speed zones.~~
- ~~(13) (12) Intersections.~~
- ~~(14) (13) General driving behavior.~~
- ~~(15) (14) Dual lanes and multi-lanes.~~
- ~~(16) Railroad highway grade crossing safety.~~
- ~~(17) (15) Managing space around the vehicle by adjusting speed and position to avoid conflicts and reduce risk.~~
- ~~(18) (16) Sharing the road with other vehicles with special emphasis on motorcycles, bicycles, and large trucks.~~
- ~~(19) (17) Distracted driving.~~
- (18) Roundabouts.**

(b) If present within a twenty (20) minute radius of the location of the driver training school, a driver training school shall provide behind-the-wheel training that includes instruction on and demonstration of the following in a dual-controlled motor vehicle:

- (1) School zones.**
- (2) Railroad highway grade crossing safety.**
- (3) Roundabouts.**

(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](#))

SECTION 18. [140 IAC 4-4-1.3](#) IS AMENDED TO READ AS FOLLOWS:

[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 **for student use.**
 - (C) One (1) rearview mirror placed on the inside of the motor vehicle for instructor use.**
 - ~~(D)~~ **(D)** Two (2) outside rearview mirrors, one (1) on each side of the vehicle.
 - ~~(E)~~ **(E)** 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](#))

SECTION 19. [140 IAC 4-4-6](#) IS AMENDED TO READ AS FOLLOWS:

[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~~ **theoretical** training and six (6) hours of behind-the-wheel training to complete a driver education class successfully and to be eligible for a ~~the~~ driving skills test ~~waiver to be administered by a school participating in the driver skills test program under section 9 of this rule.~~

(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 **if the student is not at least sixteen (16) years of age.**

(c) A student may not complete more than three (3) hours of ~~classroom~~ **theoretical** training in a calendar day, and may not complete more than ~~one (1) hour~~ **two (2) hours** of behind-the-wheel training in a calendar day.

(d) Individuals who have successfully completed either the ~~classroom~~ **theoretical** 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.

(f) Individuals must complete the behind-the-wheel training within one-hundred eighty (180) days of registration with the behind-the-wheel training phase of the course.

(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](#))

SECTION 20. [140 IAC 4-4-7](#) IS AMENDED TO READ AS FOLLOWS:

[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 **passing grade** in the classroom **theoretical** 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](#))

SECTION 21. [140 IAC 4-4-8](#) IS AMENDED TO READ AS FOLLOWS:

[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: **electronically submitted to the bureau.**

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

(e) **(c)** 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,

SECTION 22. [140 IAC 4-4-9](#) IS AMENDED TO READ AS FOLLOWS:

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

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

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

Sec. 9. (a) A school that participates in the ~~waiver~~ **driving skills test** program ~~shall~~ **may** 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. **Individuals that meet the following requirements:**

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

(b) All schools that participate in the ~~waiver~~ **driving skills test** 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) (1) the instructor who administered the driving skills test; or~~
- (2) the school official;**

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

(d) A person's ~~waiver privilege expires when the person's learner's permit expires.~~ **driving skills test pass result is valid for the duration of the permit held at the time of test administration but cannot exceed two (2) years.**

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

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

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

- (1) The driving skills test must be administered by a bureau-approved driver training school instructor for skills test administration.**
- (2) The applicant must pay the applicable fees established by the driver education school for each driving skills test administered to the approved test site operator that administers the driving skills test.**
- (3) Every applicant, prior to taking the driving skills test, will be required to sign a waiver of liability. The waiver must include a statement that the applicant will hold the bureau and the state harmless for any injury sustained from any accident during the driving skills test.**

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

(Bureau of Motor Vehicles; [140 IAC 4-4-9](#); filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 25, 2014, 3:50 p.m.: [20141224-IR-140140292FRA](#); filed Dec 14, 2017, 1:17 p.m.:

SECTION 23. [140 IAC 4-4-11](#) IS AMENDED TO READ AS FOLLOWS:

[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) The use of Advanced Driver Assistance Systems (ADAS), such as cameras, blind spot warnings, lane departure warnings, emergency brake assist, or similar technology, is permitted during a driving skills test provided it is used in a supporting or assisting capacity and not taking action without the individual providing direct manual control over the operational maneuver.

~~(b)~~ **(c)** 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](#))

SECTION 24. [140 IAC 4-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[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 9-24-10-4](#)

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

- (1) If the license expired not more than ~~six (6) months~~ **one hundred eighty (180) days** before the current application, the individual must pass an eyesight examination **or provide a vision screening completed by an ophthalmologist or optometrist under [IC 9-24-10-4\(c\)\(1\)](#).**
- (2) If the license expired more than ~~six (6) months~~ **one hundred eighty (180) days** but not more than three
- (3) years before the current application, the individual must pass:
 - (A) an eyesight examination **or provide a vision screening completed by an ophthalmologist or**

optometrist under [IC 9-24-10-4\(c\)\(1\)](#); 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)~~ **five (5)** years before the current application, the individual must pass:

(A) an eyesight examination **or provide a vision screening completed by an ophthalmologist or optometrist under [IC 9-24-10-4\(c\)\(1\)](#)**;

(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](#))

SECTION 25. [140 IAC 4-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 4-5-2](#) Examination requirements for an Indiana driver's license after prior out-of-state license expired

Authority: [IC 9-14-8-3](#); [IC 9-24-11-2](#)

Affected: [IC 9-24-10-4](#)

Sec. 2. In addition to all other legal requirements, an individual applying for an Indiana ~~operator's driver'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 **or provide a vision screening completed by an ophthalmologist or optometrist under [IC 9-24-10-4\(c\)\(1\)](#)**; 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)~~ **five (5)** years before the current application, the individual must pass:

(A) an eyesight examination **or provide a vision screening completed by an ophthalmologist or optometrist under [IC 9-24-10-4\(c\)\(1\)](#)**;

(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](#))

SECTION 26. [140 IAC 7-1.1-3](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 7-1.1-3](#) License, permit, and identification card documentation requirements

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

Affected: [IC 5-26.5](#); [IC 9-24](#)

Sec. 3. (a) Each applicant for an initial, renewed, ~~replacement~~, and amended driver's license and identification card must submit qualified documents or information, or both, to the bureau to prove the applicant's identity, lawful status in the United States (U.S.), residence address, and Social Security number (SSN) or that the applicant does not qualify for an SSN, and that the applicant is an Indiana resident. An applicant for an initial driver's license includes an applicant who held an Indiana driver's license or identification card, became a non-Indiana resident, and then reestablished Indiana residency. For some requirements, the bureau may allow applicants to use one (1) or more qualified documents to satisfy more than one (1) of the requirements in this section. A U.S. citizen, as verified through bureau records or the applicant's documents, who applies for a renewed, replacement, or amended driver's license or identification card and who otherwise qualifies for a driver's license or identification card but does not comply with the documentation requirements in this section may receive a driver's license or identification card with a notation that the driver's license or identification card may not be accepted for federal identification purposes. The bureau will only allow an applicant's documents to serve as proof for the applicable requirement in this section if the documents meet the following requirements:

(1) Must be unaltered and valid original documents or certified facsimiles from the issuing agency.

(2) Must be:

- (A) in the English language; or
- (B) presented with a verifiably accurate English translation of the document.

(b) All applicants for an initial, renewed, ~~replacement~~, or amended Indiana driver's license or identification card must comply with the requirements in this subsection one (1) time, except for non-U.S. citizens, as verified through bureau records or the applicant's documents, who must comply with the requirements in this subsection each time the applicant applies for an initial, renewed, ~~replacement~~, or amended Indiana driver's license or identification card. This subsection does not apply to a U.S. citizen, as verified through bureau records or the applicant's documents, who applies for a renewed ~~replacement~~, or amended driver's license or identification card with a notation that the driver's license or identification card may not be accepted for federal identification purposes. An applicant must show proof of the following:

- (1) Identity, which includes full legal name and date of birth, by presenting one (1) of the following documents:
 - (A) An unexpired U.S. passport or U.S. passport card.
 - (B) A certified birth certificate, and if applicable a certified amended birth certificate showing a change in name, date of birth, or gender, filed with a state office of vital statistics, or equivalent state entity, in the applicant's state of birth.
 - (C) A Consular Report of Birth Abroad issued by the U.S. State Department (Form FS-240, Form DS-1350, or Form FS-545).
 - (D) An unexpired U.S. Department of Homeland Security (DHS) or U.S. Immigration and Naturalization Service (INS) issued Permanent Resident Card (Form I-551) for those individuals whose authorized admittance and lawful status can be verified by the DHS.
 - (E) An unexpired DHS issued Employment Authorization Document (~~Form I-688B~~ or (Form I-766) for those individuals whose authorized admittance and lawful status can be verified by the DHS.
 - (F) An unexpired foreign passport with an unexpired U.S. visa accompanied by the approved I-94 form documenting either the applicant's most recent admittance into the U.S. or current status, or an unexpired foreign passport without a U.S. visa, for those individuals whose authorized admittance and lawful status can be verified by the DHS.
 - (G) A DHS issued Certificate of Naturalization (Form N-550 or Form N-570) for those individuals whose authorized admittance and lawful status can be verified by the DHS.
 - (H) A DHS issued Certificate of Citizenship (Form N-560 or Form N-561) for those individuals whose authorized admittance and lawful status can be verified by the DHS.
 - (I) Non-U.S. citizens, as verified through bureau records or the applicant's documents, who have complied with the requirements in this subsection at least one (1) time and thereafter received an Indiana driver's license or identification card may use the Indiana driver's license or identification card for proof of identity.
 - (J) Other documents that a U.S. federal agency issued to show identity if the bureau can verify that the document's information is accurate.
 - (K) An applicant whose full legal name, date of birth, or gender was changed and is different than how the corresponding information appears in any of the documents delineated in clauses (A) through (J) must show proof of the change by presenting additional documents supporting the change, which include:
 - (i) a marriage certificate;
 - (ii) a divorce decree;
 - (iii) a court order approving a name change or a date of birth change;
 - (iv) a certified amended birth certificate for a gender change; or
 - (v) a physician's signed and dated statement that "(insert applicant's name) successfully underwent all treatment necessary to permanently change (insert applicant's name) gender from (insert prior gender) to (insert new gender)."
- (2) Lawful status in the U.S. by presenting:
 - (A) one (1) of the documents delineated in subdivision (1)(A) through (1)(H);
 - (B) a Notice of Action (Form I-797) document, if the bureau can verify that the DHS received it and has not denied action, and documents that a U.S. federal agency issued to show lawful status that pertain to the applicant's Notice of Action;
 - (C) proof of application for asylum in the United States (Form I-589) for those individuals whose authorized admittance and lawful status can be verified by the DHS; or
 - (D) other documents that a U.S. federal agency issued to show lawful status if the bureau can verify that the document's information is accurate and the person has lawful status in the U.S.
- (3) Being an Indiana resident and of the applicant's residence address, which may not be a post office box, by submitting the bureau's form entitled "Indiana Residency Affidavit" by the following:
 - (A) An applicant who is an incapacitated person. A person who:
 - (i) is the applicant's legal guardian or caregiver;
 - (ii) is at least eighteen (18) years of age; and

(iii) resides with the applicant; must sign the form at a license branch. The legal guardian or caregiver must show proof of identity by providing one (1) document from the list in subdivision (1), proof of residence address by providing two (2) documents from the list in subdivision (4), providing information detailing their relationship to the applicant, providing the guardianship documents if applicable, and presenting a valid Indiana driver's license or identification card.

(B) Homeless applicants without a residence address. The applicant must provide a letter from the government entity or not-for-profit organization on its letterhead containing the entity or organization's name, address, and telephone number, and the legal representative's name, signature, and signature date. The legal representative must state in the letter that the entity or organization provides services to the applicant and will accept delivery of mail for the applicant.

(C) Applicants who are unable to comply with the requirements in clause (A), (B), (D), or (E). A person with whom the applicant resides must:

(i) sign the form at a license branch at the time of the application; and

(ii) present:

(AA) a valid Indiana driver's license or identification card **displaying their current residential address;**

(BB) proof of identity by providing one (1) document from the list in subdivision (1); and

(CC) proof of residence address by providing two (2) documents from the list in subdivision (4).

(D) An applicant who resides in a motor vehicle, including, but not limited, to a mobile home or motor home. Another person who is an Indiana resident with a residence address must:

(i) sign the form and attest that the applicant may use the person's residence address for record purposes; and

(ii) show proof of residence address by providing two (2) documents from the list provided in subdivision (4).

The applicant must provide proof of paying Indiana income taxes for the current year or immediately prior year, and have current motor vehicle title and registration records with the bureau.

(E) Applicants with rural route mail delivery addresses. Each of these applicants must also provide a properly certified government issued document containing the applicant's name and description of the residence's location.

(4) Being an Indiana resident and of the applicant's residence address, which may not be a post office box, by submitting two (2) documents showing proof of being an Indiana resident and two (2) documents showing the applicant's residence address. Qualifying documents include the following:

(A) A U.S. Postal Service change of address confirmation (Form CNL107) containing the applicant's old and new addresses.

(B) A survey of the applicant's Indiana property produced by a licensed surveyor containing the applicant's name and residence address.

(C) An Indiana voter registration card.

(D) A utility company, credit card, doctor, or hospital bill:

(i) issued within sixty (60) days of the application date; and

(ii) containing the applicant's name and residence address.

(E) A residence mortgage or similar loan contract, or lease or rental contract, containing:

(i) the applicant's name and residence address; and

(ii) signatures from the parties needed to execute the agreement.

(F) A bank statement or bank transaction receipt, dated within sixty (60) days of the application date, containing the:

(i) bank's name and mailing address; and

(ii) applicant's name and residence address.

(G) A current motor vehicle loan payment book for a motor vehicle registered in the applicant's name, and containing the applicant's name and residence address.

(H) A current valid homeowner's, renter's, or car insurance policy dated within one (1) year of the application date, containing the applicant's name and residence address.

(I) A W-2 Form, property tax or excise tax bill, or Social Security Administration (SSA) or other pension or retirement annual benefits summary statement, dated with the current or immediately prior year, containing the applicant's name and residence address.

(J) A preprinted pay stub, dated within sixty (60) days of the application date, containing the:

(i) employer's name and address; and

(ii) applicant's name and residence address.

(K) An Indiana family and social services administration issued child support check stub, or Medicaid or Medicare benefit statement, dated within sixty (60) days of the application date, containing the applicant's name and address.

(L) A valid Indiana handgun permit containing the applicant's:

- (i) name;
- (ii) signature;
- (iii) residence address; and
- (iv) date of birth.

(M) First-class mail from any federal or state court or agency, dated within sixty (60) days of the application date, containing the applicant's name and residence address.

(N) Public or private school records indicating an enrolled student's name and residence address.

~~(N)~~ **(O)** Participants in the Indiana attorney general's address confidentiality program may use a post office box address and must present a valid active identification card issued to the applicant under [IC 5-26.5](#).

(5) Having a valid SSN or that the person does not qualify for an SSN by presenting ~~one (1) SSN document or an SSA document, dated within sixty (60) days of the application date,~~ **documentation** establishing that the person ~~does not qualify for an SSN.~~ **is not authorized to work in the United States.** The applicant's SSN or SSA documentation ~~showing that the applicant does not qualify for an SSN,~~ presented to the bureau must match the information that the SSA has in its records for the SSN ~~or for the SSA documentation.~~ The following documents, containing the applicant's name and SSN, qualify to show proof of having a valid SSN:

- (A) SSA issued Social Security card.
- (B) A W-2 form.
- (C) A Form 1099.
- (D) A preprinted pay stub containing the employer's name.

(c) Subject to the requirements in subsection (b), to receive a replacement or renewed Indiana driver's license or identification card, an applicant must do the following:

- (1) Verify that the applicant's:
 - (A) full legal name;
 - (B) date of birth;
 - (C) SSN; and
 - (D) residence address;

are current, accurate, and match the information existing in the bureau's records.

(2) Applicants without an SSN must present ~~an SSA document, dated within sixty (60) days of the application date, establishing that the person does not qualify for an SSN.~~ **documentation evidencing that they are not authorized to work in the United States.**

(d) Subject to the requirements in subsection (b), to receive an amended Indiana driver's license or identification card an applicant must do the following:

- (1) Provide the applicant's existing driver's license or identification card, or verify that the applicant's:
 - (A) full legal name;
 - (B) date of birth;
 - (C) SSN; and
 - (D) residence address;

are current, accurate, and match the information existing in the bureau's records.

(2) Applicants without an SSN must present ~~an SSA document, dated within sixty (60) days of the application date, establishing that the person does not qualify for an SSN.~~ **documentation evidencing that they are not authorized to work in the United States.**

(3) Present qualified documentation as proof for the requested change as follows:

- (A) To show proof of the applicant's new full legal name, the applicant must submit one (1) of the following documents:
 - (i) An unexpired U.S. passport or U.S. passport card.
 - (ii) A certified birth certificate, and if applicable a certified amended birth certificate showing a change in name, date of birth, or gender, filed with a state office of vital statistics, or equivalent state entity, in the applicant's state of birth.
 - (iii) A Consular Report of Birth Abroad issued by the U.S. State Department (Form FS-240, Form DS-1350, or Form FS-545).
 - (iv) An unexpired U.S. Department of Homeland Security (DHS) or U.S. Immigration and Naturalization Service (INS) issued Permanent Resident Card (Form I-551).
 - (v) An unexpired DHS issued Employment Authorization Document (~~Form I-688B or~~ (Form I-766).
 - (vi) An unexpired foreign passport with an unexpired U.S. visa accompanied by the approved I-94 form documenting either the applicant's most recent admittance into the U.S. or current status, or an unexpired foreign passport without a U.S. visa for those individuals whose authorized admittance and status can be verified by the DHS.
 - (vii) A DHS issued Certificate of Naturalization (Form N-550 or Form N-570).

(viii) A DHS issued Certificate of Citizenship (Form N-560 or Form N-561).

(ix) Other documents that a U.S. federal agency issued to show identity if the bureau can verify that the document's information is accurate.

(x) A marriage certificate.

(xi) A divorce decree.

(xii) Adoption papers.

(xiii) A court ordered name change.

(B) To show proof of the applicant's amended date of birth, the applicant must submit one (1) of the following documents:

(i) A certified amended birth certificate.

(ii) A court ordered date of birth change.

(C) To show proof of the applicant's gender change, the applicant must submit one (1) of the following documents:

(i) A certified amended birth certificate.

(ii) A physician's signed and dated statement that "(insert applicant's name) successfully underwent all treatment necessary to permanently change (insert applicant's name) gender from (insert prior gender) to (insert new gender).".

(D) To show proof of the applicant's new residence address, the applicant must submit the Indiana residency affidavit pursuant to subsection (b)(3), or two (2) of the documents from the list in subsection (b)(4).

(E) To show proof of the applicant's new SSN, the applicant must present one (1) of the documents from the list in subsection (b)(5) containing the applicant's new SSN.

(e) An applicant may petition the commissioner or the commissioner's designee to accept reasonable, authentic, and verifiable alternative documents upon the applicant proving that the applicant is reasonably unable to meet the requirements in this section. However, non-U.S. citizens, as verified through bureau records or the applicant's documents, may not use alternate documents to demonstrate lawful status.

(Bureau of Motor Vehicles; [140 IAC 7-1.1-3](#); filed Nov 12, 2009, 3:44 p.m.: [20091209-IR-140090169FRA](#), eff Jan 1, 2010; readopted filed Nov 24, 2015, 4:18 p.m.: [20151223-IR-140150108RFA](#); filed Oct 5, 2017, 9:34 a.m.: [20171101-IR-140160492FRA](#))

SECTION 27. [140 IAC 7-1.1-4](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 7-1.1-4](#) Documentation for individuals with conditions causing appearance of intoxication

Authority: [IC 9-14-8-3](#); [IC 9-24-11-2](#); [IC 9-24-11-9](#)

Affected: [IC 9-24-11-9](#)

Sec. 4. An applicant for a driver's license issued under [IC 9-24-11-9](#) ~~which contains the distinctive color coding indicating that the person has a medical condition causing the person to appear intoxicated,~~ must obtain the original or renewed physician's certificate not more than thirty (30) days prior to the application date.

(Bureau of Motor Vehicles; [140 IAC 7-1.1-4](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); readopted filed Sep 3, 2020, 10:16 a.m.: [20200930-IR-140200090RFA](#))

SECTION 28. [140 IAC 7-1.2-1](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 7-1.2-1](#) Issuance of interim license or identification card

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

Affected: [IC 9-24](#)

Sec. 1. The bureau may issue an interim Indiana driver's license, permit, or identification card for specified periods to those individuals who meet all of the requirements for obtaining an Indiana driver's license, permit, or identification card and are in one (1) of the following situations:

- (1) The person is applying at a time when the bureau's system or systems used for the issuing process is not properly operating.
- (2) The person is applying for an initial, replacement, amended, or renewed driver's license, permit, or

identification card, unless the person possesses the person's Indiana driver's license, permit, or identification card that does not expire for at least fourteen (14) days after the application date.

(3) The person is applying for a renewed Indiana driver's license and the Problem Driver Pointer System indicates that the applicant's driving privileges are suspended in another state.

(4) The person has an Indiana driver's license, is traveling outside the state, and is unable to return to the state in time to renew the person's driver's license.

(5) The person has an Indiana driver's license, is traveling outside the state, and lost the person's Indiana driver's license while traveling outside the state.

(6) The person is applying and the bureau determines that the person might be the victim of an image conflict or fraud, or a discrepancy exists in the person's information when the bureau seeks to verify its accuracy with records that the federal government maintains.

(7) The person received an interim permit and the bureau requires additional time to investigate or review the person's information.

(8) The person is applying for a renewed driver's license and their current license is expired five (5) years or more. An interim permit issued under this subdivision is valid only for completing one (1) skills test.

(9) The person is applying for an initial Indiana driver's license and their out-of-state license is expired five (5) years or more. An interim permit issued under this subdivision is valid only for completing one (1) skills test.

(Bureau of Motor Vehicles; [140 IAC 7-1.2-1](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); filed Nov 12, 2009, 3:44 p.m.: [20091209-IR-140090169FRA](#), eff Jan 1, 2010; readopted filed Nov 24, 2015, 4:18 p.m.: [20151223-IR-140150108RFA](#); filed Oct 5, 2017, 9:34 a.m.: [20171101-IR-140160492FRA](#))

SECTION 29. [140 IAC 7-3-3.5](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 7-3-3.5](#) Applicant

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

Affected: [IC 9-24-6.1](#)

Sec. 3.5. A CDL applicant may apply at a license branch subject to the provisions of [IC 9-24-6](#) [IC 9-24-6.1](#) and the following:

(1) The CDL applicant must hold a valid CDL learner's permit.

(2) The applicant must pass a bureau administered or approved visual screening exam.

(3) The applicant for a CMV class or endorsement type or types, or both, must pass the applicable CDL knowledge exams and CDL skills tests.

(4) An applicant for a CMV class that is different than the one that the applicant's current CDL authorizes must pass all applicable CDL knowledge exams and CDL skills tests, except for the following:

(A) A person who possesses the requisite endorsement for a combination vehicle (Class A) may operate a heavy straight vehicle (Class B) or a small vehicle (Class C). However, the person must have any other endorsements that might be required for the specific type of Class B or Class C vehicle being operated.

(B) A person who possesses the requisite endorsement for a heavy straight vehicle (Class B) may operate a small vehicle (Class C). However, the person must have any other endorsements that might be required for the specific type of Class C vehicle being operated.

(5) The applicant for an initial CDL must pass a bureau approved physical examination prior to applying for an initial CDL and every two (2) years thereafter, or a shorter period if the bureau so designates for the person. The applicant must provide a copy of a Medical Examination Report and Medical Examiner's Certificate, both signed by the qualified medical examiner or examiners who conducted the examinations. The examinations must occur within thirty (30) days prior to submitting the application.

(6) The applicant must pass the records checks required by 49 CFR 383.73*.

(7) The applicant must pay all required fees.

(8) The applicant's driver's license or permit may not be suspended, revoked, canceled, or invalidated in Indiana or any other state, territory, federal district, or any province of the Dominion of Canada at the time of application.

(9) The applicant must surrender all driver's licenses and permits at the time of application.

(10) The applicant shall be issued his or her CDL subject to any restrictions on his or her driving privileges at the time of application.

(11) A CDL applicant must not have held more than one (1) ~~operator's~~ **driver's** license at the same time during the two (2) years preceding the application.

(12) A CDL applicant must pass a CDL core knowledge exam and a CDL skills test that comply with minimum

federal standards.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Bureau of Motor Vehicles; [140 IAC 7-3-3.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); readopted filed Sep 3, 2020, 10:16 a.m.: [20200930-IR-140200090RFA](#))

SECTION 30. [140 IAC 7-3-17.5](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 7-3-17.5](#) Renewal timing and requirements

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

Affected: [IC 9-24-6.1](#)

Sec. 17.5. (a) A person with a CDL may apply to the bureau to renew the person's CDL up to one (1) year prior to the CDL's expiration date.

(b) Except as provided in subsections (c) ~~through (e)~~ **and (d)**, a person applying to renew the person's CDL is not required to take the core knowledge test, endorsement knowledge test, and CDL skills test.

(c) A person applying to renew the person's CDL with a hazardous materials endorsement must pass the hazardous materials endorsement knowledge test and must pass a criminal history background check every four (4) years.

(d) A person with a CDL that has been expired, disqualified, canceled, revoked, **voluntarily surrendered, relinquished**, or invalidated for longer than ~~one (1) year~~ **three (3) years** must pass all applicable knowledge exams and CDL skills tests prior to the issuance or renewal of a CDL.

(e) ~~A person who is applying for a CDL after having voluntarily surrendered or relinquished the person's CDL must meet all of the~~ **meet all** application requirements as if the applicant is applying for an initial CDL, **including applicable knowledge exams and CDL skills tests.**

(Bureau of Motor Vehicles; [140 IAC 7-3-17.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); readopted filed Sep 3, 2020, 10:16 a.m.: [20200930-IR-140200090RFA](#))

SECTION 31. [140 IAC 7-6](#) IS ADDED TO READ AS FOLLOWS:

Rule 6. Emergency Contacts

[140 IAC 7-6-1](#) Emergency contacts

Authority: [IC 9-26-10](#)

Affected: [IC 9-26-2-5](#); [IC 9-26-10](#)

Sec. 1. (a) The bureau shall create, maintain, and operate the Indiana emergency contact data base under [IC 9-26-10](#).

(b) The bureau must provide a method for all Indiana credential applicants to enter or revise emergency contacts into the emergency contact data base when applying for a new, renewed, or amended credential.

(c) The emergency contact data base must consist of contact information for not more than two (2) emergency contacts per credential holder.

(d) Indiana credential holders that provide emergency contact information to the emergency contact data base must provide the emergency contact's:

- (1) legal name; and
 - (2) phone number;
- for each emergency contact.

(e) The bureau may purge prior emergency contact information when a credential applicant:

- (1) provides new contact information; or
- (2) revises previously provided emergency contact information.

(f) All emergency contact information collected by the bureau for the purposes of entry, maintenance, revision, and storage of emergency contact information shall be provided only to coroners, law enforcement agencies, or law enforcement officers under the conditions described in [IC 9-26-2-5](#) or [IC 9-26-10](#).

(g) Coroners, law enforcement agencies, and law enforcement personnel may access the emergency contact data base in real time through electronic means.

(h) The bureau is not liable for the accuracy of the information submitted by a credential applicant to the emergency contact data base.

(Bureau of Motor Vehicles; [140 IAC 7-6-1](#))

SECTION 32. [140 IAC 8-3-29](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 8-3-29](#) Dishonored or rejected payments procedures and service charges

Authority: [IC 9-14-8-3](#)

Affected: [IC 9-14-14-1](#); [IC 9-17](#); [IC 9-18.1](#); [IC 9-18.5](#); [IC 9-24](#); [IC 35-43-5](#)

Sec. 29. The bureau of motor vehicles shall use the following procedures when a financial institution reports that it dishonors or rejects a person's check, credit card payment, E-check (electronic check), or other form of payment:

- (1) The bureau shall create a separate collection file for each dishonored or rejected payment received from a financial institution.
- (2) The bureau shall assess and collect the fees authorized in ~~[IC 35-43-5-5](#)~~ and ~~[IC 6-6-5-12](#)~~. [IC 35-43-5](#).
- (3) The bureau shall compile and mail notices for each collection file that requests payment of the amount of the dishonored or rejected payment and any additional amounts assessed under subdivision (2). The notice shall also state that a driver's license or permit may be suspended and registration or title invalidated if full payment is not received within ten (10) business days from the collection notice's date.
- (4) The bureau shall provide a receipt for any payment or payments received.
- (5) The bureau may immediately suspend a driver's license or permit and invalidate a registration or title if the bureau does not receive full payment of the dishonored or rejected payment and the fees in subdivision (2) by the due date specified in subdivision (3).
- (6) The driver's license, permit, registration, or title shall be reinstated upon full payment of the dishonored or rejected payment, the fees in subdivision (2), and an additional fee of ten dollars (\$10) for each suspended driver's license or permit and invalidated registration or title. The bureau shall provide a reinstatement receipt after removing the suspension or invalidation.
- (7) The bureau may waive the fees assessed in subdivisions (2) and (6) if the payment was dishonored or rejected due to a financial institution or bureau error, and the bureau receives written documentation of the error and the amount of the dishonored or stopped payment. The bureau shall place any documentation received in the applicable collection file. The bureau may remove a suspension or invalidation imposed under this section if the bureau receives a court order, or the bureau determines the dishonored or rejected payment was due to a financial institution or bureau error.

(8) Each additional fee collected under subdivision (6) shall be deposited in the commission fund established by [IC 9-14-14-1](#).

(Bureau of Motor Vehicles; [140 IAC 8-3-29](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#);

SECTION 33. [140 IAC 8-6](#) IS ADDED TO READ AS FOLLOWS:

Rule 6. License Branch Procedure

[140 IAC 8-6-1](#) License branch procedure

Authority: [IC 9-14-8-3](#)

Affected: [IC 9-24-3](#); [IC 9-24-10-4](#)

Sec. 1. (a) An individual who does not pass a knowledge exam conducted in a license branch pursuant to [IC 9-24-10-4](#)(a) may not retake the exam the same calendar day.

(b) An individual who does not pass the actual demonstration of their ability to operate a motor vehicle conducted pursuant to [IC 9-24-10-4](#)(a)(2) at a license branch must wait a minimum of seven (7) days before taking another examination; however, the bureau may not require a person to wait more than fourteen (14) days to undergo another examination.

(Bureau of Motor Vehicles; [140 IAC 8-6-1](#))

SECTION 34. [140 IAC 9-4-8](#) IS REPEALED.

[Notice of Public Hearing](#)

*Posted: 11/24/2021 by Legislative Services Agency
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