

ARTICLE 4. DRIVER EXAMINER DIVISION

Rule 1. Commercial Driver Training Schools and Instructors

140 IAC 4-1-1 Definitions

Authority: IC 9-14-2-2

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

Sec. 1. Licensing of Commercial Driver Training Schools and Instructors. (A) Definitions used in these rules and regulations shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

(1) "Commercial Driver Training School" or "School" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for any examination or validation given by the Bureau of Motor Vehicles for a drivers license, and charging a consideration or tuition for such services.

(2) "Instructor" means a person, whether acting for himself as operator of a commercial driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for a drivers license, and any person who supervises the work of any other such instructor.

(3) "Commissioner" means the Commissioner of the Bureau of Motor Vehicles.

(4) "License" shall mean the authorization to operate a commercial driver training school or to act as a commercial driver training instructor and any and all documents given with the privilege.

(5) "Agent" shall mean any person, whether employed by a commercial driver training school or operating in his behalf, or whether acting in behalf of any school located within or outside of the State of Indiana who shall personally solicit any individual within this State to enroll in a commercial driver training school.

(6) "Solicitor" shall mean any individual, firm, or corporation who sells, offers for sale, or attempts to sell any product or service.

(7) "Suspension" shall mean the licensee privilege to operate a commercial driver training school or to give commercial driver training instruction is temporarily withdrawn.

(8) "Revocation" shall mean the licensee privilege to operate a commercial driver training school or to give commercial driver training instruction is terminated.

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

(10) "Person" shall mean any individual, combination of individuals, firm, partnership, association or corporation.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule I; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 267; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)

140 IAC 4-1-2 Application for school license

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

Affected: IC 9-27-4

Sec. 2. Requirements for Commercial Driver Training School License. (1) No person, on or after July 1, 1968, shall operate, conduct, maintain, or establish a commercial driver training school in the State of Indiana unless he holds a valid, current license issued by the Commissioner of the Indiana Bureau of Motor Vehicles.

(2) Before any license is issued an application shall be made in writing to the Commissioner on forms prepared and furnished by the Commissioner.

(3) The application shall contain, along with any additional information that the Commissioner deems necessary:

(a) The title or name and address of the school, together with the names and addresses of all owners or partners of an unincorporated school, or the names and addresses of all officers of an incorporated school.

(b) A list and description of the equipment to be used in the school operation.

(c) The specified course of instruction which will be offered.

(d) The qualifications of instructors, agents, and supervisors in each specified field together with their names, addresses and other information as deemed necessary by the Commissioner.

(e) A detailed statement showing the financial condition of the school.

DRIVER EXAMINER DIVISION

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

(g) A sworn statement that the owner(s), officers and instructors are of high moral character and reputation and have not been adjudicated a felon the ten years immediately preceding the date of the application.

(4) The following additional information shall accompany the application along with any further information that the Commissioner shall deem necessary:

(a) Applicants or any officer or partner thereof shall be required to furnish with the application three (3) photographs taken within thirty (30) days to date of filing and must be presented with the application. The photographs shall consist of one full-face, one left profile and one right profile. All photographs must be 1-1/2 inch square and must show the shoulders and an uncovered head.

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

(c) A sworn statement that each instructor employed by the school is in possession of a valid, current instructor's license issued by the Commissioner.

(d) Samples of any and all contracts to be used by the school.

(e) Samples of any and all written examinations to be given to the students.

(f) Samples of all forms used by the school which will be furnished or delivered to the students.

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

(5) Every application for a commercial driver training school license must be accompanied by an application fee of one hundred (\$100.00) dollars in the form of a certified check or United States postal money order. No license fee shall be refunded in the event that the license is rejected, suspended or revoked. There shall be no reduction in fee in the event of application after the beginning of the fiscal year. Licenses expire at midnight, June 30 of each fiscal year. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule II; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 268; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230*)

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

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

Affected: IC 9-27-4

Sec. 3. The Commercial Driver Training School License. (1) Each commercial driver training school license shall be valid for a period of one fiscal year beginning July 1 and ending June 30.

(2) The commercial driver training school license shall not be transferable. In the event of change of ownership, application for a new license must be made, and the old license surrendered to the Commissioner before a new license will be issued to the new owner. The fee for the new license shall be one hundred (\$100.00) dollars and shall accompany the application.

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

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

(a) Date the license was lost, destroyed, or mutilated

(b) The circumstances surrounding the loss, destruction, or mutilation

(c) In the event of loss or theft the name of the police department or police authority to which the report was made and date of said report.

The fee for a duplicate commercial driver training school license shall be five (\$5.00) dollars. The fee shall be in the form of a certified check or United States postal money order and must be remitted before the duplicate will be issued.

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

(a) The Commissioner shall be notified in writing immediately upon the change of address of the owner, partner, officer, or driving instructor.

(b) The Commissioner shall be notified in writing within ten (10) days of any change in the officers or directors of a corporation. Officers and directors must supply the same information as would be required on an application by the

corporation.

(c) Failure to inform the Commissioner shall be grounds for suspension or revocation of the commercial driver training school license.

(6) Application or renewal of license:

(a) Application or renewal of license shall be made on forms prescribed and provided by the Commissioner. A renewal fee of one hundred (\$100.00) dollars in the form of a certified check or United States postal money order must accompany the renewal application.

(b) Where an application is made for the renewal of a commercial driver training school license, the applicant may continue to conduct business as a commercial driver training school until the renewal application is granted or denied by the Commissioner; Provided, The renewal application is properly filed with the Commissioner on or before June 15 of the current license year.

(7) To change the name of a commercial driver training school before expiration date, the owners must make application to the Commissioner for a name change accompanied by a certified check or United States postal money order in the amount of ten (\$10.00) dollars. The change of name shall be contingent upon approval of the Commissioner. In the event of refusal the ten (\$10.00) dollar fee shall be refunded.

(8) A name change upon expiration date of the license can be effected in the renewal application by inserting the new name in the license application and attaching thereto an application for name change. There shall be no additional charge for a name change if requested as stated. The change of name shall be contingent upon approval of the Commissioner.

(9) If in a partnership, a partner withdraws, the Commissioner shall be notified within five (5) calendar days by certified mail. Should a new partner be added the school shall make application for a new license as provided for in these rules and regulations. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule III; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 269; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230*)

140 IAC 4-1-4 Location of school

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

Affected: IC 9-27-4

Sec. 4. (a) A commercial driver training school that is properly licensed shall be allowed to conduct classroom training only in the county where the school is located. The commercial driver training school must conduct all classes and operate out of the address appearing on the application.

(b) In no instance shall a commercial driver training school operate in any manner from a residential dwelling. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 270; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915*)

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

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

Affected: IC 9-27-4

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

(1) The commercial driver training school license shall be placed in a conspicuous location within the office.

(2) All records pertaining to the operation of the school shall be maintained in the main office of the school and available for inspection in the presence of the owner or, after giving notice thereof, by the commissioner or his authorized agent between the hours of 9 a.m. and 5 p.m. local time, Monday through Friday, excluding legal holidays. Refusal of the owner or an employee to grant an inspection of the records shall be grounds for suspension or revocation.

(3) The telephone located in the school shall be used exclusively for the operation of the commercial driver training school.

(4) Sufficient indoor space to teach students the theoretical instruction relating to the rules and regulations of the road and safe driving practices shall be included within the office. The classroom shall be enclosed to eliminate any and all extraneous interference from the public. The classroom shall contain chairs and desks or tables in sufficient number to accommodate students, have adequate lighting, and be of sufficient size to comfortably accommodate the students but in no event shall the classroom contain less than two hundred and twenty-five (225) square feet of usable area. Approval of any license application

shall be contingent upon approval of the classroom and office space by the commissioner or his authorized agent.

(5) One (1) employee of the school must be available from 9 a.m. to 5 p.m., Monday through Friday, to give information regarding lessons or produce the school's records in the event the commissioner or his authorized agent wishes to inspect the school. Refusal to grant an inspection will be grounds for suspension or revocation.

(6) The office shall not be operated in conjunction with any other business.

(7) The owner or operator will be permitted to list his or her home phone number in his or her advertisements provided it specifically states that the number may be called after 6 p.m.

(8) The owner or operator will be permitted to list his or her home address and phone number on his or her business cards.

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

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule V; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 271; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 915)

140 IAC 4-1-6 Name of school

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

Affected: IC 9-27-4

Sec. 6. Commercial Driver Training School Name. No commercial driver training school shall use, adopt, or conduct any business under a name that is the same, like or deceptively similar to the name used by another driving school without the written approval of the Commissioner. A commercial driver training school shall at no time use the words "State," "Government," "Municipal," "City," or "County" in any part of the school name. *(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

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

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

Affected: IC 9-27-4

Sec. 7. Additional Commercial Driver Training Schools. (1) The owner of a commercial driver training school desiring to operate an additional school or schools shall make application on forms prescribed and furnished by the Commissioner. Upon approval of the application, the Commissioner shall issue a license, appropriately endorsed, for use at the school.

(2) It shall be permissible, upon approval by the Commissioner, for schools to bear the same name so long as the ownership is identical for all schools concerned.

(3) Any and all additional schools shall meet the same requirements and follow the same procedure as the licensed original as provided for in these rules and regulations. *(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)*

140 IAC 4-1-8 Records

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

Affected: IC 9-27-4

Sec. 8. Commercial Driver Training School Records. Every commercial driver training school shall maintain the following records which shall be retained for three (3) years:

(a) A file setting forth the name, address, contract number and terms of payment with respect to every person giving lessons, lectures, tutoring, instructions of any kind, or any other service relating to instructions in the operation of a motor vehicle.

(b) A file setting forth the names and addresses of all students along with the amount and type of training completed.

(c) A record of all receipts and disbursements.

(d) A file containing a duplicate copy of every contract entered between the school and every person taking lessons, lectures,

tutoring and instructions relating to the operation of a motor vehicle. The original contract shall be given to the student taking instruction and a carbon duplicate thereof retained by the school.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule VIII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)

140 IAC 4-1-9 Contracts with students

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

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

Sec. 9. Commercial Driver Training School Contracts. All contracts with students shall be written and conform to the following standards:

(a) Each contract shall contain the agreed contract price per hour, lesson, or course.

(b) Each contract shall enumerate all related charges to be made to the student.

(c) Each contract shall include the following clause: "An owner, officer, instructor, agent, or employee of any commercial driver training school shall not state nor give the impression to a student that upon completion of the course, they will guarantee the securing of a driver's license to operate a motor vehicle."

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

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IX; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 272; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)

140 IAC 4-1-10 Insurance coverage

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

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

Sec. 10. Commercial Driver Training School Insurance. No commercial driver training school license shall be issued unless and until:

(1) The applicant has filed with the Commissioner evidence of insurance in a company authorized to do business in the State of Indiana in the amount of at least one hundred thousand (\$100,000) dollars because of bodily injury to or death of any one (1) person, and subject to said limit respecting one (1) person, in the amount of at least three hundred thousand (\$300,000) dollars because of bodily injury to or death of two (2) or more persons in any one accident, and in the amount of at least twenty-five thousand (\$25,000) dollars because of injury to or destruction of property in any one (1) accident.

(2) The commercial driver training school shall furnish evidence of such insurance coverage in the form of a certificate from the insurance carrier, which shall stipulate that the Commissioner shall be notified when the policy expires or if it is cancelled, and shall include the make, model, and manufacturer's identification number of any and all automobiles covered in the policy.

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

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule X; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)

140 IAC 4-1-11 Vehicle standards

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

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

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

- (1) One (1) operable extra foot brake.
- (2) One (1) rearview mirror placed on the inside of the motor vehicle.
- (3) Two (2) outside rearview mirrors, one (1) on each side of the vehicle.
- (4) Cushions for the proper seating of students when necessary.

(b) Every training vehicle being operated by a student who has had less than four (4) hours of practical driving instruction must be conspicuously marked as a training vehicle.

(c) If, after four (4) hours of practical training, a student demonstrates suitable proficiency in operating a motor vehicle, the instructor may give instruction in a private vehicle if the student provides proof of insurance coverage:

- (1) in at least the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of any one (1) person, and subject to said limit respecting one (1) person;
- (2) in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and
- (3) in the amount of ten thousand dollars (\$10,000) because of injury to or destruction of property in any one (1) accident.

(d) The school vehicle identification certificate issued by the commissioner shall be carried in the vehicle at all times while driving instructions are being given. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916*)

140 IAC 4-1-12 Curriculum

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

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

Sec. 12. Commercial Driver Training School Instruction. Commercial driver training schools licensed by the Commissioner of the Indiana Bureau of Motor Vehicles shall make available both theoretical and practical instruction.

(1) The theoretical course of instruction shall include, but not be limited to the following:

- (a) Subject matter relating to rules and regulations of operating a motor vehicle
- (b) Safe driving practices
- (c) Pedestrian safety
- (d) Driver responsibility
- (e) Accident reporting
- (f) Mental attitudes and physical characteristics of individuals as related to the operation of a motor vehicle
- (g) Maintenance of an automobile
- (h) Handling of driver emergencies
- (i) Driving skills
- (j) Basic first aid
- (k) Signs, signals, highway markings, and highway design features which require understanding for the safe operation of a motor vehicle

In preparing questions to be used for instructional or evaluative purposes, the school shall not use questions prepared in the same manner as examination questions used by the Indiana Bureau of Motor Vehicles.

(2) The practical course of instruction shall include the demonstration of and actual instruction in stopping, starting, shifting, turning, backing, parallel parking, and steering in a dual controlled vehicle which meets the standards prescribed by the Commissioner.

(*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 274; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230*)

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

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

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

Sec. 13. (a) No person, on or after July 1, 1968, shall give commercial driver training instruction for compensation or act as a commercial driver training instructor unless he holds a valid, current commercial driver training instructor license issued by the

DRIVER EXAMINER DIVISION

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

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

(1) All applications for an instructor's license must be accompanied by a certified check or United States postal money order in the amount of ten (\$10) dollars and a notarized statement from the owner of a commercial driver training school listing the applicant's name in full, the applicant's address, and a statement that the applicant will be employed by the school. This rule applies to original and renewal applications.

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

(3) Every commercial driver training instructor shall be at least twenty-one (21) years of age and a person of high moral character.

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

(5) Each application shall be accompanied by a statement from a physician certifying mental ability, visual acuity, and that the applicant does not have any contactual diseases, hearing ailments, epilepsy, or other malady causing loss of consciousness.

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

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

(8) All instructors must successfully complete a special written test, a vision test, and a road test, prepared and administered under the authorization of the commissioner, embracing subject matter pertinent to highway design, road signs, and the care, operation, and laws affecting the operation and traffic of motor vehicles. The contents of the written examination shall be taken from the following materials:

(A) The Indiana driver manual.

(B) Indiana motor vehicle laws.

(C) Indiana rules and regulations governing commercial driver training schools and instructors.

(D) Other sources dealing with driver education.

(c) Requirements for the instructor license are as follows:

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

(2) Where an application is made for the renewal of a commercial driver training instructor license, the applicant may continue to give instruction in the commercial driver training school until the renewal application is granted or denied by the commissioner, provided the renewal application is properly filed with the commissioner on or before June 15 of the current license year.

(3) The instructor wishing to renew his or her license shall submit himself or herself for a complete reexamination every other year.

(4) Examinations shall be given at such time and place as the commissioner shall determine.

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

(6) An instructor shall have in his or her possession an identification card issued by the commissioner and containing information prescribed by the commissioner while acting in behalf of the school he or she is licensed to represent.

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

(8) More than one (1) chargeable accident during any consecutive three (3) year period can make an instructor's license subject to review by the commissioner or his authorized agent.

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

(10) Every commercial driver training instructor who is not licensed to operate a motor vehicle by the Indiana bureau of motor vehicles shall cause to be sent to the commissioner a certified copy of his or her driving record from the jurisdiction from which his or her license is issued. This certified record shall be filed with the commissioner before the original application will be approved and shall be filed upon each and every subsequent renewal.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIII; filed May 27, 1968, 9:30 a.m.; Rules and Regs. 1969,

p. 274; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 916)

140 IAC 4-1-14 General provisions

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

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

Sec. 14. General Provisions. (1) If the Commissioner finds that the application and the school or instructor for which the license is sought, complies with IC 9-27-4 and the rules and regulations of the Commissioner promulgated under the provisions of IC 9-27-4, a license shall be issued to the applicant.

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

(3) No state official, his agent or employee whose duties relate in any way to the issuance of Indiana driver licenses, nor any employee of the Indiana Bureau of Motor Vehicles or any member of his immediate family shall be connected in any capacity whatsoever with any commercial driving school.

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

(5) The provisions of the rules and regulations shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, or to schools or classes conducted by colleges, universities and high schools for students regularly enrolled in such a course.

(6) The Commissioner, at his discretion, may establish an advisory board consisting of licensed commercial driver training school operators and licensed commercial driver training instructors. The advisory board shall have as its chairman the Commissioner or his appointed representative. The members of the board shall serve at the pleasure of the Commissioner and shall receive no compensation for their services.

(7) No complete course of instruction conforming to the standards of the Indiana Department of Public Instruction shall be completed in less than fourteen (14) calendar days.

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

(9) The commercial driver training school is required to ascertain, before giving practical instruction to Indiana residents, that the student possesses a valid driver education permit, operator license, chauffeur license, or public passenger chauffeur license from the Indiana Bureau of Motor Vehicles. All non-resident students must hold a valid license or permit allowing them to operate a motor vehicle in their home state.

(10) The course of instruction for any person holding a valid driver education permit shall consist of both theoretical and practical instruction in at least the minimal amounts as prescribed by the Indiana Department of Public Instruction. In the event that an individual has successfully completed either the theoretical or practical instruction at either an accredited institution or licensed commercial driver training school, the school at which the individual is applying can with written certification from the school which the individual took the course, give the remaining instruction. When the courses of instruction are given at two schools the school giving the latter of the courses can, have records as to the previous instruction, certify that the individual has successfully completed both phases (i.e. theoretical and practical) of his training.

(11) The school shall agree to permit the Commissioner or his representatives to inspect the school and shall make available to the Commissioner, at any time when requested to do so, full information pertaining to any or all items of information contained in the application form, and shall permit them to make photostatic copies of the school records required to be kept by the Commissioner.

(12) A school may change its fee schedule, contracts, examinations or other forms required to be filed with the Commissioner only when the school has by certified mail notified the Commissioner at least thirty (30) calendar days prior to such change.

(13) A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is "supervised," "recommended," or "endorsed" by the Commissioner or the Indiana Bureau of Motor Vehicles.

(14) No commercial driver training school shall advertise in any manner until such time as the school is properly licensed by the Commissioner.

DRIVER EXAMINER DIVISION

(15) No commercial driver training school instructor, employee or agent will be permitted to accompany any student into any office being used for the giving of driver license examinations for the purpose of assisting a student taking an examination.

(16) No commercial driver training school instructor, employee or agent shall be permitted to loiter in or on the premises rented, leased, owned, or used in conjunction with the Indiana Bureau of Motor Vehicles.

(17) No commercial driver training school instructor, employee or agent shall be permitted to personally solicit any individual on the premises rented, leased, owned or used in conjunction with the Indiana Bureau of Motor Vehicles for the purpose of enrolling them in any commercial driver training school.

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

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

(a) The licensee has violated any provision of IC 9-27-4 or any of the rules and regulations of the Commissioner.

(b) The applicant, licensee, any instructor or agent is addicted to the use of alcoholic liquors, morphine, cocaine or other drugs having similar effects, or shall become incompetent.

(c) The licensee has failed or refused to permit the Commissioner or his representative to inspect the school or class, or motor vehicles which are used to teach its students or full information pertaining to any or all items contained in an application form or to its program.

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

(e) The licensee has failed or refused to produce his license when requested to do so either by prospective students or the Commissioner or his authorized agent.

(f) The applicant or licensee has failed to maintain adequate standards of instruction or qualified instructors or equipment sufficient to maintain the school or classes.

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

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

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

(j) The licensee has the unauthorized possession of application forms or questionnaires used by the Indiana Bureau of Motor Vehicles in conjunction with administering driver license examinations.

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

(a) The licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, or moral conduct.

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

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 276; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)

Rule 2. Operator or Chauffeur Licensing; Requirements; Procedures

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

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

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

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

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

(1) The individual requesting the waiver must be the only driver in their household and/or the primary means of support for their family unit.

(2) The license must contribute directly to the welfare of the household.

(3) There must be no alternative means of transportation available.

(4) No one under the age of sixteen (16) will be granted a waiver without proof of completion of an approved driver

education course.

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

(1) The individual requesting the waiver must have no other transportation available for gainful employment.

(2) Transportation available shall be limited to convenient public transportation and/or convenient transportation from a household member.

(2) Procedures for obtaining waiver:

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

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

(1) The Driver Examiner Division will acknowledge the request and forward an application for waiver to the requesting party.

(2) The completed application will be reviewed and investigated by the Driver Examiner Division.

(3) If approved the applicant will receive a written waiver which may be presented to any branch of the Bureau of Motor Vehicles at the time of application for an initial Indiana operator's or chauffeur's license.

(4) This waiver does not effect any requirement as to the written, vision and driving test.

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

(Bureau of Motor Vehicles; Driver Examiner Rule 15; filed Jan 14, 1980, 11:50 a.m.: 3 IR 160; readopted filed Jul 30, 2001, 10:27 a.m.: 24 IR 4230)

Rule 3. Vision Screening

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

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

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

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

Bureau of Motor Vehicles
Driver Examiner Division
Indiana Government Center-North
100 North Senate Avenue, Room 403
Indianapolis, Indiana 46204

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

Rule 4. Driver Education Classes

140 IAC 4-4-1 Application

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

Affected: IC 9-27-4

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

140 IAC 4-4-2 Definitions

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

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

DRIVER EXAMINER DIVISION

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

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

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

- (10) "Driver education school" means a commercial driver training school or a high school driver education program conducted for the education and training of individuals to operate a motor vehicle.
- (11) "Driver instructor" means any individual employed by a commercial driver training school or high school driver education program for the purpose of instructing a driver education class or administering a drive test. Only a person who is affiliated with a commercial driver training school or high school driver education program may act as a driver instructor within the meaning of this rule.
- (12) "High school driver education program" means a public, private, or parochial school participating with the bureau and providing a driver education class.
- (13) "Learner's permit" means a permit issued to a person who:
 - (A) is at least sixteen (16) years of age;
 - (B) is not disqualified under IC 9-24-2-1; and
 - (C) has passed the written test required to obtain a learner's permit.
- (14) "Numbered stamp" means the numbered stamp issued by the bureau and assigned to a commercial driver training school or high school driver education program participating in the waiver program.
- (15) "State driver examiner" means an employee of the bureau whose duties include the administration of drive tests at license branches.
- (16) "Student" means a person who holds a permit and is actively enrolled in a driver education class.
- (17) "Waiver" means the granting of an exemption of the requirement that a drive test be conducted by a state driver examiner. Once a student is granted a waiver, he or she must successfully pass both a mandatory written test and vision screening test before a driver's license may be issued by the bureau. Failure to pass the written/electronic test will automatically invalidate the waiver of the drive test.
- (18) "Waiver program" means the program established by the bureau creating a standardized drive test procedure that participating schools must follow in order to grant a waiver to a qualified student.

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

140 IAC 4-4-3 Certified driver education forms

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

Sec. 3. A certified driver education form, otherwise known as "CDE Forms", shall be issued to all persons applying for enrollment in a driver education course. The driver education instructor shall postdate the forms no more than three (3) weeks prior to the date the driver education class is scheduled to begin. *(Bureau of Motor Vehicles; 140 IAC 4-4-3; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315)*

140 IAC 4-4-4 Effective date of permits

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

Sec. 4. A permit shall not be issued by the bureau upon presentation of a certified driver education form prior to the date designated on the certified driver education form. *(Bureau of Motor Vehicles; 140 IAC 4-4-4; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315)*

140 IAC 4-4-5 Invalidation

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

Sec. 5. If a student fails to attend or successfully complete a driver education class, the driver instructor shall notify the bureau in writing, within ten (10) days, that the student failed to attend or successfully complete the class. The bureau shall invalidate the student's driver education learner's permit upon receipt of said notification. *(Bureau of Motor Vehicles; 140 IAC 4-4-5; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315)*

140 IAC 4-4-6 Hours of instruction

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

Sec. 6. Every student shall successfully complete a minimum of thirty (30) clock hours of classroom instruction and six (6) clock hours of behind-the-wheel instruction in order to qualify for a waiver. *(Bureau of Motor Vehicles; 140 IAC 4-4-6; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315)*

140 IAC 4-4-7 Grade requirements for waiver

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

Sec. 7. If a student receives a grade of "B-" or lower in the classroom instruction or behind-the-wheel instruction, he or she shall not be eligible to receive a waiver. *(Bureau of Motor Vehicles; 140 IAC 4-4-7; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315)*

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

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

Sec. 8. (a) When a student successfully completes a driver education class, his or her permit shall be marked with the following:
(1) The student's grades.
(2) The signature of a driver instructor.
(3) The numbered stamp of the driver education school attended by the student.

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

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

(d) If there are any irregularities, including, but not limited to, strike-overs, erasures, or the use of white-out, the bureau shall consider the permit invalid. (*Bureau of Motor Vehicles; 140 IAC 4-4-8; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315*)

140 IAC 4-4-9 Drive test for waiver

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

Affected: IC 9-27-4

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

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

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

(d) Score sheets shall be kept at the location of the school and shall be made available to the bureau upon request for a period of at least two (2) years. (*Bureau of Motor Vehicles; 140 IAC 4-4-9; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315*)

140 IAC 4-4-10 Instruction requirements

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

Affected: IC 9-27-4

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

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

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

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

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

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

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

Affected: IC 9-27-4

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

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

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

*