ARTICLE 4. DRIVER EXAMINER DIVISION

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

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

Rule 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 9-24-3-3; IC 9-24-4-2
Affected: IC 9-24-3; IC 9-24-4

Sec. 1. (a) To obtain a hardship waiver of the age and experience requirements for an initial operator's license, a waiver applicant must show proof that:

(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; or

(2) the applicant must be 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 and from the applicant's place of employment; and

(3) an applicant under sixteen (16) years of age satisfactorily completed an approved driver education course; and

(4) the applicant's driving privileges have never been suspended, revoked, invalidated, canceled, or the subject of any other similar action.

(b) To obtain a hardship waiver of the age and experience requirements for an initial chauffeur's license, a waiver applicant must show proof that:

(1) the applicant has employment as a chauffeur with an entity that is legally authorized to provide chauffeur services; and

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

(c) Each applicant must follow the following procedures for obtaining a waiver:

(1) Submit a written request to the commissioner for a waiver application.

(2) After the bureau forwards a waiver application to the requesting party, the applicant must return the completed application to the bureau for its review and investigation.

(3) If approved, 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 driver's license.

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

(d) The commissioner within his or her discretion 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)*

Rule 3. Vision Screening

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

Authority: IC 9-14-2-2
Affected: IC 9-24

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

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

Indianapolis, Indiana 46204
(Bureau of Motor Vehicles; 140 IAC 4-3-1; filed Nov 9, 1983, 3:42 p.m.: 7 IR 35; errata, 7 IR 2546; readopted filed Oct 17, 2001, 4:37 p.m.: 25 IR 917; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA)

Rule 4. Driver Education Classes

140 IAC 4-4-1 Application

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

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

140 IAC 4-4-2 Definitions

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 9-13-2; IC 9-18-2; IC 9-24-2-1; IC 9-24-7; IC 9-24-10-4

Sec. 2. (a) The definitions in this section apply throughout this rule and 140 IAC 4-5.

(b) "Actively enrolled in a driver education class" means a student attending either the:

(1) classroom; or

(2) behind-the-wheel;

instruction phase of a driver education class.

(c) "Approved driver education course" has the meaning set forth in IC 9-13-2-4.

(d) "Behind-the-wheel instruction" means that phase of a driver education class that gives a student instruction in a motor vehicle during which the student drives the motor vehicle.

(e) "Bureau" has the meaning set forth in IC 9-13-2-16.

(f) "Certified driver education form" means the bureau-prescribed form given to an applicant by a commercial driver training school or a high school driver education program for participation in a driver education class that shall be presented to the bureau when the applicant applies for a learner's permit.

(g) "Classroom instruction" means that phase of a driver education class that a driver instructor must conduct in person, in a classroom setting, instructing students on the laws and procedures regarding the proper operation of a motor vehicle.

(h) "Commercial driver training school" has the meaning set forth in IC 9-13-2-28.

(i) "Commission" has the meaning set forth in IC 9-13-2-32.

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

(k) "Driver" has the meaning set forth in IC 9-13-2-47.

(l) "Driver education class" means an approved driver education course, and a class administered by a commercial driver training school, for the purpose of instructing and training individuals to properly operate or drive motor vehicles or to prepare an applicant for an examination or validation given by the bureau for a driver's license.

(m) "Driver education school" means a commercial driver training school or a high school driver education program.

(n) "Driver instructor" has the meaning set forth in IC 9-27-4-3 *[IC 9-27-4 was repealed by P.L.1-2010, SECTION 156, effective March 12, 2010.]* and IC 9-13-2-81.

(o) "Drive test" means the bureau approved standardized driving skills examination given by either a:

(1) driver instructor for the purpose of determining whether a student has sufficient physical and mental ability to properly operate a motor vehicle to qualify for a driver's license and the granting of a waiver; or

(2) state driver examiner for determining whether a student has sufficient physical and mental ability to operate a motor vehicle properly to qualify for a driver's license.

(p) "Drive test score sheet" means a bureau approved standardized form that a driver instructor uses to evaluate and score each student's drive test.

(q) "High school driver education program" means a public, private, or parochial school:

(1) participating with the bureau; and

(2) providing an approved driver education course.

(r) "Learner's permit" has the meaning set forth in IC 9-24-7.

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

(t) "State driver examiner" means a commission designated person whose duties include the administration of driving skills tests on the commission's behalf.

(u) "Student" means a person who:

(1) holds a learner's permit; and

(2) is actively enrolled in a driver education class.

(v) "Waiver" has the meaning set forth in IC 9-24-10-4(c).

(w) "Waiver program" means the program established by the bureau creating a standardized driving skills test procedure that participating schools must follow in order to grant a waiver to a qualified student. *(Bureau of Motor Vehicles; 140 IAC 4-4-2; filed Nov 12, 1998, 3:00 p.m.: 22 IR 970; errata filed Jul 6, 1999, 11:38 a.m.: 22 IR 3419; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; filed Nov 12, 2009, 3:44 p.m.: 20091209-IR-140090169FRA)*

140 IAC 4-4-3 Certified driver education forms

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 20-1-1-6

Sec. 3. A certified driver education form shall be issued to all persons applying for enrollment in a driver education course. The driver instructor shall postdate the forms not more than three (3) weeks prior to the date the driver education class is scheduled to begin. *(Bureau of Motor Vehicles; 140 IAC 4-4-3; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

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

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

140 IAC 4-4-5 Invalidation (Repealed)

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

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

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 9-24-3-2; IC 9-24-7-2

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

(b) If a student fails to attend the required minimum number of hours of instruction, or fails to complete a driver education class successfully, the driver education 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 invalidate the student's learner's permit upon receipt of said notification. *(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)*

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

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

Sec. 7. A student must receive a score of eighty percent (80%) or higher in the classroom instruction and the behind-the-wheel instruction to successfully complete the driver education class and to be eligible to receive a waiver. *(Bureau of Motor Vehicles; 140 IAC 4-4-7; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

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, the student's learner's permit shall be marked with the following:

(1) "Pass" or "Fail".

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

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

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

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

(d) A learner's permit containing any irregularities, including, but not limited to, strike-outs, erasures, or the use of white-out is invalid. *(Bureau of Motor Vehicles; 140 IAC 4-4-8; filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

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) A driver education school that participates in the waiver program shall offer to administer a drive test to each of its students. The student must pass the drive test to qualify for a waiver. The driver instructor administering the drive test shall not be the same driver instructor who provided the behind-the-wheel instruction to that student.

(b) All driver education schools that participate in the waiver program shall use the drive test score sheet to evaluate and score the drive test.

(c) All driver education schools that participate in the waiver program shall offer each of its students only one (1) opportunity to take the drive test.

(d) The original signature of the driver instructor who conducted the classroom instruction, the original signature of the driver instructor who conducted the behind-the-wheel instruction, and the original signature of the driver instructor who administered the drive test must appear on the drive test score sheet for it to be valid. The driver instructor who conducted the drive test shall note on the drive test score sheet whether the student passed or failed the test.

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

(f) Every driver education school shall retain drive test score sheets at the school's location for at least two (2) years and shall present the drive test score sheets to the bureau and its agents upon their request. *(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)*

140 IAC 4-4-10 Instruction requirements
Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 20-1-1-6

Sec. 10. Driver instructors shall instruct and test students regarding the following items or locations during the students' behind-

the-wheel instruction:

(1) School zone.
(2) Parallel parking.
(3) Speed zones.
(4) Intersections.
(5) General driving behavior.
(6) Dual lanes.
(7) One-way streets.
(8) Railroad crossings.

(Bureau of Motor Vehicles; 140 IAC 4-4-10; filed Nov 12, 1998, 3:00 p.m.: 22 IR 972; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

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

Authority: IC 9-14-2-2; IC 9-24-10-4
Affected: IC 20-1-1-6

Sec. 11. (a) 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.

(b) It shall be within the discretion of the state driver examiner or driver instructor to continue a drive test after a student has failed the drive test. *(Bureau of Motor Vehicles; 140 IAC 4-4-11; filed Nov 12, 1998, 3:00 p.m.: 22 IR 972; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)*

Rule 5. Examinations Required for Expired Driver's License

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

Authority: IC 9-14-2-2; IC 9-24-10-2; IC 9-24-11-2
Affected: IC 9-24

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

(1) If the license expired not more than six (6) months before the current application, the individual must pass an eyesight examination.
(2) If the license expired more than six (6) months but not more than three (3) years before the current application, the

individual must pass:

(A) an eyesight examination; and

(B) the written examination or examinations applicable to the type of license sought.

(3) If the license expired more than three (3) years before the current application, the individual must pass:

(A) an eyesight examination;

(B) the written examination or examinations applicable to the type of license 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)

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

Authority: IC 9-14-2-2; IC 9-24-10-2; IC 9-24-11-2

Affected: IC 9-24

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

(1) If the applicant held an unrevoked license for at least one (1) year, and the license expired not more than three (3) years before the current application, the individual must pass:

(A) an eyesight examination; and

(B) the written examination.

(2) If the applicant held an un-revoked license for less than one (1) year, or the license expired more than three (3) years before the current application, the individual must pass:

(A) an eyesight examination;

(B) the written examination; and

(C) a driving skills examination.

(Bureau of Motor Vehicles, 140 IAC 4-5-2; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA)

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