

Document: Readopted Rules

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-83

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective thirty (30) days after filing with the secretary of state.

140 IAC 4-1-4 **140 IAC 4-1-13**
140 IAC 4-1-5 **140 IAC 4-3-1**
140 IAC 4-1-11

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 4-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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. ~~Location of Commercial Driver Training Schools:~~ (†) (a) A commercial driver training school ~~which 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.

(2) (b) In no instance shall a commercial driver training school operate in any manner from a residential dwelling.

(3) ~~No commercial driver training school shall be located within three hundred (300) feet of any building or portion thereof used for the purpose of conducting driver license examinations, with the exception of those schools already licensed by the Commissioner. (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)~~

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 4-1-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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. ~~Commercial Driver Training School Office:~~ (†) All commercial driver training schools shall operate from an office in the following manner:

- (a) (1) The commercial driver training school license shall be placed in a conspicuous location within the office.
- (b) (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.
- (c) (3) The telephone located in the school shall be used exclusively for the operation of the commercial driver training school.
- (d) (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.

(e) (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.

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

(g) (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.

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

(i) (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. **and 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)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 4-1-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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. ~~Commercial Driver Training School Vehicles:~~ (1) (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 ~~three (3)~~ **five (5)** years having elapsed from the date of purchase. **As used in this subsection, "date of purchase" as used in this subsection shall mean 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:

(a) (1) One (1) operable extra foot brake.

(b) (2) One (1) rearview mirror placed on the inside of the motor vehicle.

(c) (3) Two (2) outside rearview mirrors, one (1) on each side of the vehicle.

(d) (4) Cushions for the proper seating of students when necessary.

(2) (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.

(3) (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 ~~ten twenty-five~~ thousand (~~\$10,000~~) 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 ~~twenty fifty~~ thousand (~~\$20,000~~) 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 ~~five ten~~ thousand (~~\$5,000~~) dollars (**\$10,000**) because of injury to or destruction of property in any one (1) accident.

~~This section does not apply to students who possess valid licenses with the exception that said students must furnish proof of insurance coverage as set out in this subsection.~~

(4) (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)*

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 4-1-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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. ~~Commercial Driver Training Instructor License:~~ (1) (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 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.

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

(a) (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 ~~said the~~ applicant's name in full, ~~his the applicant's~~ address, and ~~stating a statement that said the~~ applicant will be employed by the school. This rule applies to original and renewal applications.

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

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

(d) (4) Every person shall hold a valid ~~Public Passenger Chauffeur's driver~~ license ~~or any license permitting the individual to transport human beings for any valuable consideration~~, before making application for a commercial driver training instructor license.

(e) (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.

(f) (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.

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

(h) (8) All instructors must successfully complete (1) a special written test, (2) a vision test, and (3) 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:

(1) (A) The Indiana driver manual.

(2) (B) Indiana motor vehicle laws.

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

(4) (D) Other sources dealing with driver education.

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

(a) (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.

(b) (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.

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

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

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

(f) (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.

(g) (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.

(h) (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.

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

(j) (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.

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 4-3-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

~~401 State Office Building~~

Indiana Government Center-North

100 North Senate Avenue, Room 403

Indianapolis, IN 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)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication.

Send written comments to:

Tamara Brown, Legal Department,

Indiana Bureau of Motor Vehicles

100 North Senate Avenue, Room 440

Indianapolis, Indiana 46204

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary Gibson
Commissioner
Bureau of Motor Vehicles