

Document: Readopted Rules

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-89

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 30 days after filing with the secretary of state.

140 IAC 7-2-5	140 IAC 7-3-10
140 IAC 7-2-6	140 IAC 7-3-11
140 IAC 7-3-5	140 IAC 7-3-13
140 IAC 7-3-9	140 IAC 7-3-17

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 7-2-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-2-5 Motorcycle written test

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

Affected: IC 9-24-8

Sec. 5. The written test offered for motorcycle license endorsement and the motorcycle learner's permit will be a common test designated as "motorcycle operators/learners test". Any person who passes the written test and obtains a learner's permit will not be required to again take the written test at the time of application for a motorcycle license endorsement. The written test will consist of twenty-five (25) questions, twenty-one (21) of which must be answered correctly. ~~The motorcycle written test must be taken and passed at each license renewal period prior to receiving a motorcycle endorsement.~~ *(Bureau of Motor Vehicles; 140 IAC 7-2-5; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25)*

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 7-2-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-2-6 Motorcycle skills test

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

Affected: IC 9-24-8

Sec. 6. The bureau of motor vehicles will utilize motorcycle skills tests that will test the applicant's ability to operate a two or three-wheeled motorcycle. Procedures and requirements for the motorcycle skills test are as follows:

- (1) The skills test shall be administered by a person certified to be a motorcycle license examiner by the commissioner. No person who has been an instructor or owner of a school offering motorcycle instruction for a fee may administer a skills test to an applicant who completed such school or course in which the examiner was an instructor or owner.
- (2) An applicant for a skills test must contact a bureau of motor vehicles license branch where such test will be scheduled as to place, time and location.
- (3) The test will contain maneuvers with a motorcycle involving stopping, turning, braking, riding through obstacles, and the testing of other areas of riding skills. The applicant must receive less than ~~13~~ **eleven (11)** penalty points to successfully pass the skills test. If the applicant is assessed ~~13~~ **eleven (11)** penalty points any time prior to the completion of the test the examination attempt will be terminated.
- (4) Any applicant who does not successfully pass the motorcycle skills test shall be eligible to take a second test on an equivalent type motorcycle on the same day or at a future date. Any person requesting a second test on the same day and at the same test site as the initial test shall be permitted, without paying an additional skills test fee, to take such test after all other scheduled applicants for that day have taken their initial test. Any person who fails the skills test for the third time must wait sixty (60) days prior to reapplying and taking the skills test.
- (5) The skills test shall be taken utilizing a two or three-wheeled motorcycle.

- (6) All persons must wear a helmet when taking the skills test.
- (7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include information to the effect that ~~(1)~~ the applicant:
- (A) understands the type of skills test to be given and believes to be qualified to take such test; and ~~(2) the applicant~~
 - (B) will hold the bureau of motor vehicles, the state, ~~of Indiana~~, the owners of the test site, and the motorcycle examiner harmless for any injury sustained from any accident during the test ~~which that~~ was caused by the applicant taking the test offered under reasonable conditions.
- (8) ~~Notwithstanding any other provision in this rule, all persons over the age of seventy-five (75) must successfully complete a motorcycle skills test in addition to the written test every three (3) years.~~

(Bureau of Motor Vehicles; 140 IAC 7-2-6; filed Apr 28, 1981, 9:35 a.m.: 4 IR 901; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 7-3-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-5 Learner's permit

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 5. (a) Any person who is a resident of ~~the state of~~ Indiana may apply for a commercial driver's license learner's permit. The applicant must:

- (1) be at least eighteen (18) years of age;
- (2) hold a valid Indiana operator's license;
- (3) meet all visual and physical examination requirements; and
- (4) pass all required knowledge tests.

(b) A valid commercial driver's license learner's permit:

(1) shall not be valid for a period to exceed six (6) months;

~~(2) may only be renewed two (2) times in a two (2) year period;~~ and

~~(3) (2)~~ will allow the holder, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by the holder of a valid commercial driver's license for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(Bureau of Motor Vehicles; 140 IAC 7-3-5; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 7-3-9 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-9 Core knowledge examination

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 9. (a) The commissioner shall adopt a core knowledge examination that, upon passage, determines that the applicant has the knowledge to operate a commercial motor vehicle on the streets and highways of Indiana.

(b) The applicant must pass a core knowledge examination which shall contain not more than fifty (50) questions nor less than thirty (30) questions. The applicant must correctly answer eighty percent (80%) of the questions.

(c) If the applicant fails the core knowledge examination, the applicant may take as many additional examinations as desired, but only one (1) examination may be taken in any twenty-four (24) hour period.

(d) ~~If the applicant passes the written test designed for bus drivers, his commercial driver's license will be restricted to "Bus Only".~~
The test results of a passed core knowledge examination shall be valid for a period of one (1) year from the date of the examination. Core knowledge examination test results over one (1) year old will not be considered. *(Bureau of Motor Vehicles; 140 IAC 7-3-9; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990)*

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 7-3-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-10 Endorsements knowledge test

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 10. (a) Any person who is a resident of the state of Indiana, and who holds a valid commercial driver's license issued by Indiana, may apply for a commercial driver's license endorsement subject to the following:

- (1) The applicant must pass the applicable knowledge and skills test required for a specific class of license and any endorsements.
- (2) The applicant must pay the required fees as outlined in section 15 of this rule.

(b) All endorsements expire when the commercial driver's license expires.

(c) Any person who has his **or her** driving privileges suspended or revoked in Indiana or any other state shall be ineligible to apply for a commercial driver's license endorsement during the period of suspension or revocation.

(d) The hazardous materials endorsement knowledge test must be taken upon application for renewal of the commercial driver's license.

(e) If the applicant does not pass the air brake endorsement knowledge test, he **or she** shall not operate a vehicle ~~which that~~ is equipped with air brakes.

(f) Any and all commercial driver's license endorsement tests passed, as required under this section, shall be valid for a period of one (1) year from the date of the passed test. Test results over one (1) year old will not be considered. *(Bureau of Motor Vehicles; 140 IAC 7-3-10; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556)*

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 7-3-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-11 Skills test

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 11. Skills test as adopted by the bureau will be used to determine the applicant's ability to operate a commercial motor vehicle of the appropriate class. Procedures and requirements for the commercial driver's license skills test are as follows:

- (1) The skills test shall be administered by a person certified by the bureau.
- (2) The location of the skills test site shall be determined by the bureau.
- (3) The applicant, in order to pass the skills test, must successfully display an ability to operate the motor vehicle for which the skills test is being given.
- (4) The applicant for each skills test must pay the fee as outlined in section 15 of this rule.
- (5) The skills test is not required to be taken at the time of renewal of a commercial driver's license unless the person desires to change to a higher classification of commercial driver's license, or to remove an air brake, or bus only restriction.
- (6) Every applicant, prior to taking the skills test, will be required to have successfully passed the core knowledge test.
- (7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include, but is not limited to, the following:

(A) The applicant understands the type of skills test to be given and believes to be qualified to take this test.

(B) The applicant will hold the bureau and the state ~~of Indiana~~ harmless for any injury sustained from any accident during the test ~~which that~~ was caused by the applicant.

(8) An applicant shall pay the fee for the skills test to the commercial driving school.

(9) Any person who fails the initial skills test shall not be eligible to take a second test within twenty-four (24) hours.

(10) The results of a passed skills test shall be valid for a period of one (1) year from the date of the passed skills test. Skills test results over one (1) year old will not be considered.

(Bureau of Motor Vehicles; 140 IAC 7-3-11; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990)

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 7-3-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-13 Certified skills test examiner; qualifications

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 13. Certified commercial driver's license examiners must meet the following qualifications:

- (1) Be twenty-one (21) years of age or older.
- (2) Possess a valid commercial driver's license, with a **Class A** classification and an endorsement for all of the skill tests that he **or** she will be certifying.
- (3) Have successfully completed a training course approved by the bureau.

(Bureau of Motor Vehicles; 140 IAC 7-3-13; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 7-3-17 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-17 Renewal

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 17. (a) The holder of a commercial driver's license may make application to the bureau for renewal of his **or her** commercial driver's license no more than six (6) months prior to the expiration of his **or her** current license if:

- (1) his **or her** current commercial driver's license has not been suspended, disqualified, canceled, revoked, or invalidated; and
- (2) he **or she** has passed all required visual and physical examinations.

(b) Except as outlined in subsections (c) through (d), the core knowledge test, endorsement knowledge test, and skills test will not be required for renewal of a commercial driver's license.

(c) The hazardous materials endorsement knowledge test must be passed every four (4) years.

(d) If the commercial driver's license has been expired, disqualified, canceled, revoked, or invalidated for more than one (1) year, the holder must pass all knowledge and skills exams prior to ~~renewal~~ **issuance**. *(Bureau of Motor Vehicles; 140 IAC 7-3-17; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990)*

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
Indiana Government Center-North
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 A. Gibson
Commissioner
Bureau of Motor Vehicles