

## **IC 9-27-6**

### **Chapter 6. Driver Education Training**

#### **IC 9-27-6-1**

##### **Application**

Sec. 1. This chapter applies after December 31, 2011.

*As added by P.L.145-2011, SEC.21.*

#### **IC 9-27-6-2**

##### **Exceptions to application**

Sec. 2. This chapter does not apply to the following:

- (1) An individual giving driver training lessons without charge.
- (2) Employers maintaining driver training schools without charge for employees of the employer only.

*As added by P.L.145-2011, SEC.21.*

#### **IC 9-27-6-3**

##### **Driver training school**

Sec. 3. (a) As used in this chapter, "driver training school" means:

- (1) a business enterprise that:
  - (A) is conducted by an individual, an association, a partnership, a limited liability company, or a corporation for the education and training of persons, practically or theoretically, or both, to operate or drive motor vehicles or to prepare an applicant for an examination or validation under IC 9-24 for a driver's license; and
  - (B) charges consideration or tuition for the provision of services; or
- (2) a driver education program operated under the authority of:
  - (A) a school corporation (as defined in IC 36-1-2-17);
  - (B) a nonpublic secondary school that voluntarily becomes accredited under IC 20-19-2-8;
  - (C) a nonpublic secondary school recognized under IC 20-19-2-10;
  - (D) a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9);
  - (E) a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12);
  - (F) a state educational institution (as defined in IC 21-7-13-32); or
  - (G) a nonaccredited nonpublic school.

(b) The term does not include a business enterprise that educates or trains a person or prepares a person for an examination or a validation given by the bureau to operate or drive a motor vehicle as a vocation.

*As added by P.L.145-2011, SEC.21. Amended by P.L.85-2013, SEC.69.*

#### **IC 9-27-6-4**

##### **Instructor**

Sec. 4. As used in this chapter, "instructor" means the following:

- (1) An individual, whether acting as the operator of a driver training school or on behalf of a driver training school, who for compensation teaches, conducts classes for, gives demonstrations to, or supervises the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.
- (2) An individual who supervises the work of an instructor.
- (3) An individual licensed under IC 20-28-5-1.
- (4) An individual under the authority of a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9) or a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12) who is teaching, conducting classes for, giving demonstrations to, or supervising the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.
- (5) An individual under the authority of a state educational institution (as defined in IC 21-7-13-32) who is teaching, conducting classes for, giving demonstrations to, or supervising the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.

*As added by P.L.145-2011, SEC.21. Amended by P.L.107-2012, SEC.3; P.L.85-2013, SEC.70.*

#### **IC 9-27-6-5**

##### **Driver education advisory board**

Sec. 5. (a) As used in this section, "advisory board" refers to the driver education advisory board established by subsection (b).

(b) The driver education advisory board is established to advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education.

(c) The advisory board is composed of seven (7) individuals appointed by the commissioner as follows:

- (1) Three (3) members must be driver education professionals endorsed by the bureau under section 8 of this chapter. In the selection of individuals for membership under this subdivision, consideration must be given to driver education instruction performed in urban and rural areas.
- (2) One (1) member must be a traffic safety advocate.
- (3) One (1) member must be a representative of the bureau.
- (4) One (1) member must be a representative of higher education.
- (5) One (1) member must be a representative of the insurance industry.

(d) A member of the advisory board serves a two (2) year term. A member may not be appointed to more than two (2) consecutive full terms. Each member serves until the member's successor is appointed and qualified.

(e) A member of the advisory board may be removed for good cause.

(f) A vacancy on the advisory board shall be filled by the appointment by the commissioner of an individual to fill the position to which the vacating member was appointed under subsection (c) for the vacating member's unexpired term.

(g) The advisory board shall:

(1) consult with and advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education; and

(2) suggest rules regarding the education and training of persons to operate or drive motor vehicles or to prepare a person for an examination or validation for a driver's license.

(h) A member of the advisory board is not subject to liability in a civil action for bodily injury or property damage arising from or thought to have arisen from an action taken in good faith as a member of the advisory board.

*As added by P.L.145-2011, SEC.21. Amended by P.L.125-2012, SEC.304; P.L.85-2013, SEC.71.*

#### **IC 9-27-6-6**

##### **Driver training school license**

Sec. 6. (a) To establish or operate a driver training school, the driver training school must obtain a driver training school license from the bureau in the manner and form prescribed by the bureau.

(b) Subject to subsections (c) and (d), the bureau shall adopt rules under IC 4-22-2 that state the requirements for obtaining a driver training school license.

(c) The rules adopted under subsection (b) must permit a licensed driver training school to provide classroom training during which an instructor is present in a county outside the county where the driver training school is located to the students of:

(1) a school corporation (as defined in IC 36-1-2-17);

(2) a nonpublic secondary school that voluntarily becomes accredited under IC 20-19-2-8;

(3) a nonpublic secondary school recognized under IC 20-19-2-10;

(4) a state educational institution; or

(5) a nonaccredited nonpublic school.

However, the rules must provide that a licensed driver training school may provide classroom training in an entity listed in subdivisions (1) through (3) only if the governing body of the entity approves the delivery of the training to its students.

(d) The rules adopted under subsection (b) must provide that the classroom training part of driver education instruction may not be provided to a child less than fifteen (15) years of age.

*As added by P.L.145-2011, SEC.21. Amended by P.L.85-2013, SEC.72.*

#### **IC 9-27-6-7**

## **Repealed**

*(Repealed by P.L.85-2013, SEC.73.)*

### **IC 9-27-6-8**

#### **Driver education instructor; license**

Sec. 8. (a) To be eligible to act as a driver education instructor, an individual must obtain an instructor's license from the bureau in the manner and form prescribed by the bureau.

(b) Subject to subsection (c), the bureau shall adopt rules under IC 4-22-2 that state the requirements for obtaining and renewing an instructor's license, including the requirements for continuing education for instructors. The rules must specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of subsection (c)(3).

(c) The bureau shall issue an instructor's license to an individual who:

- (1) meets the requirements of subsection (a) and rules adopted under subsection (b);
- (2) does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2; and
- (3) has a good moral character, physical condition, knowledge of the rules of the road, and work history.

Only an individual who holds an instructor's license issued by the bureau under this subsection may act as an instructor.

*As added by P.L.145-2011, SEC.21. Amended by P.L.85-2013, SEC.74.*

### **IC 9-27-6-9**

#### **Licenses; expiration; fees; refund; deposit of fees**

Sec. 9. (a) A license issued under section 6 or 8 of this chapter expires on the last day of the fiscal year in even-numbered years and may be renewed upon application to the bureau.

(b) The fee for a license issued under section 6 or 8 of this chapter must be prescribed by rule under section 11(1) of this chapter.

(c) A license fee may not be refunded if the license application is rejected or the license is suspended or revoked.

(d) A license fee collected under this section shall be deposited in the motor vehicle highway account fund established under IC 8-14-1.

*As added by P.L.145-2011, SEC.21. Amended by P.L.85-2013, SEC.75.*

### **IC 9-27-6-10**

#### **Refusal to issue or renew, cancel, suspend, or revoke license**

Sec. 10. The bureau may refuse to issue, refuse to renew, cancel, suspend, or revoke a license issued under this chapter if it is shown that the person:

- (1) who applied for the license does not meet the requirements necessary to obtain the license;
- (2) no longer meets the requirements necessary to maintain the

license; or

(3) has willfully violated this chapter or a rule adopted by the bureau concerning driver education instruction.

*As added by P.L.145-2011, SEC.21. Amended by P.L.85-2013, SEC.76.*

### **IC 9-27-6-11**

#### **Rules concerning licenses**

Sec. 11. In addition to adopting rules under sections 6(b), 8(b), and 9(b) of this chapter, the bureau shall adopt rules under IC 4-22-2 concerning the following:

(1) Methods and procedures for the investigation and evaluation of the qualifications of individuals applying for licenses under sections 6 and 8 of this chapter.

(2) The criteria upon which to issue, deny, suspend, renew, and revoke licenses under section 10 of this chapter, including requirements for continuing education for instructors.

(3) Procedures for:

(A) the investigation into potential grounds for; and

(B) conduct of hearings on;

the issuance, renewal, cancellation, suspension, or revocation of a license.

(4) Standards for classroom and in-car driver education curriculum (including classroom instruction, Internet instruction, and practice driving) and equipment. Classroom instruction standards established under this subdivision must provide for instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program;

and must limit classroom instruction to students at least fifteen (15) years of age.

(5) Limitations on the number of:

(A) hours an instructor may teach in a day; and

(B) classroom and driving hours in which a driver education student may participate during a day.

(6) Programs to improve parental involvement in driver education.

(7) Establishment and maintenance of standards for instructors of driver education, including:

(A) secondary school driver education instructors;

(B) driver training school instructors; and

(C) higher education driver education instructors.

*As added by P.L.145-2011, SEC.21. Amended by P.L.85-2013, SEC.77.*