



State of Indiana

Eric J. Holcomb, Governor



Office of Management and Budget
102 State House
Indianapolis, IN 46204

State Budget Agency
212 State House
Indianapolis, IN 46204

June 13, 2024

Kevin Kolbus
Contracts Attorney
Indiana Bureau of Motor Vehicles
100 N Senate Avenue, Room N435
Indianapolis, IN 46204

Dear Mr. Kolbus,

Pursuant to the provisions of IC 4-22-2-22.8, the Office of Management and Budget and State Budget Agency have reviewed the proposed rule that amends 140 IAC 4-4 (OMB #2024-12R) which you submitted on March 11, 2024. After reviewing the proposed rule, the recommendation of OMB and SBA is that the rule changes be approved. Indiana Bureau of Motor Vehicles is authorized to commence the public comment period(s).

Furthermore, if you revise the proposed rule after this approval, you must resubmit the rule and obtain a new approval pursuant to IC 4-22-2-22.8(e).

BMV may proceed with the rule proposed in its submission.

Cristopher R. Johnston
OMB Director

Date: 6/11/2024

Joe Habig
Acting SBA Director

Date: 6/13/2024

TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule LSA Document

SECTION 1. 140 IAC 4-4-8 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-8. Completion of driver training school course; permit

Authority: IC 9-14-8-3; IC 9-24-10-4

Affected: IC 9-24-10; IC 9-24-7; IC 9-27-6-6; IC 9-27-6-11

Sec. 8. (a) When a student completes a course, the student's course results must be electronically submitted to the bureau **within ten (10) days of completion.**

(b) A learner's permit containing any irregularities, including, but not limited to, strike-outs, erasures, or the use of white-out, is invalid.

(c) The bureau may prescribe and allow for alternate or electronic submission of any documents under this section. *(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-IR140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA; filed Nov 25, 2014, 3:50 p.m.: 20141224IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA; filed Feb 9, 2022, 3:34 p.m.: 20220309IR-140210460FRA)*

SECTION 2. 140 IAC 4-4-9 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-9. Driving skills test administration

Authority: IC 9-14-8-3; IC 9-24-10

Affected: IC 9-24-10-4; IC 9-27-6-6; IC 9-27-6-11

Sec. 9. (a) A school that participates in the driving skills test program may offer to administer a driving skills test to individuals that hold a valid Indiana learner's permit.

(b) All schools that participate in the driving skills test program shall use the driving skills test score sheet prescribed by the bureau to evaluate and score the driving skills test. **An individual taking a driving skill test will be tested on the standards expressed in sections 1.1 and 1.2 of this rule.**

(c) The signatures of:

- (1) the instructor who administered the driving skills test; or
- (2) the school official;

must appear on the driving skills test score sheet for it to be valid. The instructor who conducted the driving skills test or the school official shall note on the score sheet whether the student passed or failed the test.

(d) A person's driving skills test pass result is valid for the duration of the permit held at the time of test administration but cannot exceed two (2) years.

(e) Every school shall retain score sheets at the school's location for at least two (2) years and shall present the score sheets to the bureau upon request.

(f) Individuals shall take the driving skills test independently except as otherwise required by law and without assistance from the instructor.

(g) The driving skills test cannot be conducted during the behind-the-wheel training nor on the same day as the behind-the-wheel training.

(h) The school must comply with the following requirements to administer the driving skills test:

- (1) The driving skills test must be administered by a bureau-approved driver training school instructor for skills test administration.

(2) The applicant must pay the applicable fees established by the driver education school for each driving skills test administered to the approved test site operator that administers the driving skills test.

(3) Every applicant, prior to taking the driving skills test, will be required to sign a waiver of liability. The waiver must include a statement that the applicant will hold the bureau and the state harmless for any injury sustained from any accident during the driving skills test.

(i) Skills test results must be submitted to the bureau in an electronic form, **or an alternate form authorized by the bureau.** (*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; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA; filed Nov 25, 2014, 3:50 p.m.: 20141224-IR-140140292FRA; filed Dec 14, 2017, 1:17 p.m.: 20180110-IR-140170394FRA; filed Feb 9, 2022, 3:34 p.m.: 20220309-IR-140210460FRA; filed Mar 6, 2024, 11:25 a.m.: 20240306-IR-140230734FRA.*)

SECTION 3. 140 IAC 4-4-11 IS AMENDED TO READ AS FOLLOWS:

140 IAC 4-4-11. Automatic failure of driving skills test

Authority: IC 9-14-8-3

Affected: IC 9-24-10

test: Sec. 11. (a) Any of the following actions must result in the automatic failure of the driving skills

- (1) Disobeying a yield, stop, school zone, or no turn on red sign.
- (2) Disobeying a traffic signal.
- (3) Backing over a curb.
- (4) Driving into a parked vehicle.
- (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 driving skills test.
- (17) Failure to yield right-of-way.
- (18) Failure to obey required laws at a railroad crossing.
- (19) Failure to stop at a stop sign completely**
- (20) Passing a school bus with stop arm out**
- (21) Any of the following actions, on eleven (11) or more occasions, during a driving skills test:**

- (A) Failing to use the defroster or wipers when needed**
- (B) Failure to adjust seat or mirrors when needed**
- (C) Failing to have both hands on the wheel**
- (D) Selecting the wrong gear or failing to release the parking brake.**
- (E) Failing to signal.**
- (F) Driving too slowly or stopping or braking unnecessarily.**
- (G) Uneven starts/stops and acceleration**

- (H) Overrunning a crosswalk, stop line, or stop sign**
- (I) Failing to check traffic, including checking blind spot when changing lanes.**
- (J) Waiting too long at crosswalk/stop sign**
- (K) Failing to slow prior to stop/curve**
- (L) Turning too fast or wide**
- (M) Driving over curb**
- (N) Improper approach for left turn**
- (O) Slowing speed when changing lanes**
- (P) Reversing too fast**
- (Q) Leaving turn signal on after a completed lane change**
- (R) Driving or stopping too close to another vehicle.**
- (S) Stopping in an improper position**
- (T) Driving off the roadway**
- (U) Failing to center vehicle in parking space**
- (V) Committing an unsafe act**

(b) The use of Advanced Driver Assistance Systems (ADAS), such as cameras, blind spot warnings, lane departure warnings, emergency brake assist, or similar technology, is permitted during a driving skills test provided it is used in a supporting or assisting capacity and not taking action without the individual providing direct manual control over the operational maneuver.

(c) It is within the discretion of the state driver examiner or instructor to continue a driving skills test after a student has failed. (*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-IR140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA; filed Nov 25, 2014, 3:50 p.m.: 20141224IR-140140292FRA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA; filed Feb 9, 2022, 3:34 p.m.: 20220309IR-140210460FRA*)