

VIA EMAIL

July 09, 2024

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

Re: LSA Document #24-214/Regulatory Analysis-Small Business Economic Impact Statement

Dear Mr. Kolbus,

Pursuant to Indiana Code 4-22-2.1-5(c)(2), as the Small Business Ombudsman for the state of Indiana, I have reviewed the proposed rule and regulatory economic impact analysis associated with the rule changes contained in LSA Document #24-214 (proposed rule) submitted to the Indiana Small Business Ombudsman by the Indiana Bureau of Motor Vehicles (BMV). I have found the following to be true.

Proposed rule LSA #24-214 was prompted through statute found within House Enrolled Act (HEA) 1623-2023, which requires Indiana state agencies to codify, within Indiana Code (IC) or Indiana Administrative Code (IAC), any non-rule policies. The proposed rule addresses three IAC code cites, 140 IAC 4-4-8, 140 IAC 4-4-9, & 140 IAC 4-4-11. The code cites within the proposed rule do the following: establish a timeline for submitting the completion of a driver training school course, allowing for electronic or otherwise prescribed forms for driver skill exam completion, and explicitly outlines the actions during a driver skills test that can result in automatic failure as well as actions that can accumulate and lead to a driver skill test failure, respectively. The BMV identified that there may be 214 small businesses that are impacted by this rule, referencing 214 driver education businesses, but the proposed rule does not impose any new fines, fees, or penalties and instead will allow for more flexibility to the driver education schools to submit the driver training course completion results and the skills examination results to the BMV. The rest of the proposed rule appears to be codification of existing agency policies for standards of failing a driving skill test, and will have no direct impact on small businesses.

The BMV's provided analysis displays a proper due diligence and understanding of how implementation must be carried out to ensure compliance while minimizing the potential impact to small businesses and individuals. Based upon this statement and review, the Indiana Small Business Ombudsman supports the proposed rule related to the economic impact on small business if the BMV's conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at ombudsman@iedc.in.gov.

Sincerely,
Matt Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation