



July 23, 2024

Kevin Kolbus
bmvlegal@bmv.in.gov

SUBMITTED ELECTRONICALLY

Re: Comments about Proposed Amendments to Driving Skills Test Rules
LSA Document #24-214

Dear Mr. Kolbus,

Indiana Disability Rights (IDR) is a federally-mandated organization that protects and advocates for the rights of individuals with disabilities. These rights include protections against disability discrimination by state governments, in accordance with Title II of the Americans with Disabilities Act. IDR accomplishes its advocacy work using a variety of tools, including monitoring, negotiation, legal representation, and systemic advocacy. The latter tool encompasses serving on workgroups, educating policymakers, and submitting formal public comments. In furtherance of those efforts, IDR notes a concern with the Bureau of Motor Vehicles' (BMV's) proposed rule changes about administration of the driving skills test.

Generally, IDR supports the BMV's goal of ensuring that individuals granted an operator's license be safe and capable of following the rules of the road. However, one of the BMV's proposed amendments – specifically, the one proposed 140 Ind. Admin. Code § 4-4-11(a)(21)(C), that would require a student to fail the driving test if they “fail[] to have both hands on the wheel” on “at least eleven [] occasions” – jeopardizes the ability of some individuals with disabilities to obtain an operator's license, regardless of their ability to drive safely. Consider that some prospective drivers may not have two hands, whether due to a birth defect or acquired injury. Consider, also, that even if a prospective driver has two hands, their disability may necessitate the use of alternate steering mechanisms, such as one or more joystick, instead of a steering wheel. Because the rule, as currently written and as proposed, does not explicitly allow for the reasonable accommodation of driving test takers with disabilities, IDR is concerned that some drivers with disabilities may be denied an operator's license even though reasonable accommodations can facilitate their safe and effective operation of a vehicle.

For the foregoing reasons, IDR recommends that the BMV adapt its proposed rule amendments to eliminate IDR's cause for concern. The BMV could accomplish this objective in several ways. First, the BMV could add the following language to the end of proposed 140 Ind. Admin. Code § 4-4-11(a)(21)(C): “unless doing so is prohibited by one's disability.” Alternatively, the BMV could add a proposed 140 Ind. Admin. Code § 4-4-11(d) stating: “The state driver examiner shall grant reasonable accommodations to a qualified student with a disability, in accordance with the Americans with Disabilities Act and Indiana Civil

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Rights Statute.” Both options maintain the BMV’s objective of ensuring that prospective drivers can safely operate vehicles, but without potentially discriminating against individuals who do not drive with two hands and/or a steering wheel.

Should you have questions about these comments or wish to discuss the matter in greater detail, please contact me at emunson1@indianadisabilityrights.org. Thank you in advance for considering our suggestions.

Sincerely,

A handwritten signature in cursive script, reading "Emily Munson", is written over a horizontal line.

Emily Munson
Policy Director