



Truck Driver Training School Interim Written Guidelines

Driven To Serve
INDIANA BUREAU OF MOTOR VEHICLES

TRUCK DRIVER TRAINING SCHOOL INTERIM WRITTEN GUIDELINES

Section 1

Definitions

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

Definitions used in these rules and regulations shall have the meaning ascribed to them as follows unless the context clearly indicates a different meaning:

- (a) "Agent" means any individual, whether:
 - (1) employed by a truck driver training school or operating on its behalf; or
 - (2) acting on behalf of any school located within or outside of the state of Indiana.
- (b) "Bond" means a surety bond made payable to the State of Indiana, for either the truck driver training school or employee and shall be conditioned to provide indemnification to any student suffering loss as a result of fraud or misrepresentation on the part of the school or employee, or when the truck driver training school ceases to do business and is unable to fulfill its contractual obligation with the student.
- (c) "Bureau of Motor Vehicles" or "Bureau" has the meaning set forth in IC 9-13-2-16.
- (d) "Bureau of Motor Vehicles Commission" or "Commission" has the meaning set forth in IC 9-13-2-32
- (e) "Commercial Driver's License" or "CDL" has the meaning set forth in IC 9-13-2-29.
- (f) "Commercial Motor Vehicle" or "CMV" has the meaning set forth in IC 9-13-2-31.
- (g) "Commissioner" has the meaning set forth in IC 9-13-2-33.
- (h) "Course" means training offered by a driver training school for the purpose of teaching safe operation of a commercial motor vehicle. The course consists of:
 - (1) in a classroom; and
 - (2) behind the wheel instruction.
- (i) "Instructor" has the meaning set forth in IC 9-13-2-80.5.
- (j) "Owner" means owner, partner, officer, administrator or individual designated to manage a driver training school.
- (k) "Person" has the meaning set forth in IC 9-13-2-124(a)
- (l) "Revocation" means the licensee privilege to:
 - (1) operate a truck driver training school; or
 - (2) give truck driver training instruction;is terminated.
- (m) "Student" means a person who is actively enrolled in a truck driver training school.
- (n) "Suspension" means the license to:
 - (1) operate a truck driver training school; or
 - (2) give truck driver training instruction;is temporarily withdrawn.
- (o) "Truck Driver Training School" or "School" means a business enterprise conducted by an individual, association, firm, partnership, corporation or state educational institution as defined in IC 21-7-13-32 for the education and training of individuals, either practically or theoretically, or both to:
 - (1) operate or drive commercial motor vehicles; or
 - (2) prepare an applicant for any examination or validation given by the bureau of motor vehicles for a commercial driver's license;and charging a consideration or tuition for the services.
- (p) "Truck Driver Training School Instructor License" or "Instructor License" means authorization provided by the bureau to act as a truck driver training school instructor.
- (q) "Truck Driver Training School License" or "School License" means authorization provided by the bureau to operate a truck driver training school.

Section 2

Application for truck driver training school license

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

- (a) No person shall:

- (1) operate;
- (2) conduct;
- (3) maintain; or
- (4) establish;

a school in the state of Indiana unless he or she holds a valid, current school license issued by the bureau.

(b) Before any school license is issued, an application must be made in writing to the bureau on forms prepared and furnished by the bureau.

(c) The application must contain, along with any additional information that the bureau deems necessary, the following:

- (1) The name and address of the school;
- (2) The names, addresses, and e-mail addresses of all owner(s) of the school;
- (3) A detailed statement explaining if any part of the training is conducted at an address not listed on the application;
- (4) A detailed statement showing the financial condition of the school if requested by the bureau;
- (5) A schedule of all tuitions, fees, and charges to be made by the school; and
- (6) All owner(s) shall be required to provide a full national criminal background check as prescribed by the bureau with their initial license application, and a limited criminal history background check from the owner's state of residency with all subsequent license renewal applications. Both the full national criminal background check and the limited criminal history background check must be dated within ninety (90) days of the application.

(d) The following additional information must accompany the application along with any further information that the bureau shall deem necessary:

- (1) A sworn statement that each instructor employed by the school is in possession of a valid, current instructor's license issued by the bureau;
- (2) Samples of all student contracts to be used by the school; and
- (3) Copies of any contracts or agreements involving driving training instruction with any person who conducts business with the school.

(e) Every application for a school license must be accompanied by an application fee of one thousand dollars (\$1,000) unless operated by a state educational institution as defined in IC 21-7-13-32. No part of the application fee will be refunded in the event that the application is rejected, or the license is suspended, or revoked. The fee for a license application that is rejected may be applied to the re-submission of the license application within sixty (60) days of notice of the application's rejection. There shall be no reduction in fee in the event of application is received after the beginning of the licensing period.

Section 3

Surety Bond

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

(a) Each school must provide a minimum surety bond to the bureau in an amount based on the average tuition income of the school unless operated by a state educational institution as defined in IC 21-7-13-32.

(b) Each school must submit either a new bond or a Renewal/Continuation certificate on or before the expiration date of the bond. Failure to notify the bureau of the new school bond may result in the suspension of the school's license.

(c) Proof of original bond must be provided as prescribed by the bureau.

Section 4

License term; transfer; display; replacement; changes; renewal

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

(a) Each school license shall be valid subject to the following:

- (1) The school license period begins July 1, and expires at midnight June 30, in even numbered years.
- (2) The license will be valid only for the license period in which it is issued.

(b) The school license is not transferable. In the event of change of ownership of the school, application for a new license must be made, and the old license must be surrendered to the bureau. The new owner(s) must follow all rules and regulations as described herein to apply for a license as a new school. The school must not conduct any training classes to students during the transition of ownership.

(c) In the event of any change in address or a change of an owner the bureau must be notified in writing as follows:

- (1) Immediately upon the change of address or email address of any owner; and
- (2) Within ten (10) days of any change in the owner.

Failure to inform the bureau of changes enumerated in subsection (c) may be grounds for suspension or revocation of the school license.

(d) The school license must be displayed in the office at the licensee's principal place of business at all times.

(e) In the event the school license is lost, destroyed, or mutilated, the school must request in writing a replacement. The fee for a replacement school license is twenty dollars (\$20) and must be remitted before the replacement will be issued.

(f) Application for or renewal of a license requirements are as follows:

- (1) Application for or renewal of a license must be made on forms prescribed and provided by the bureau;
- (2) A renewal fee of one thousand dollars (\$1,000) must accompany the application; and
- (3) The application for the renewal of a school license must be submitted to the bureau on or before midnight, May 1 of even numbered years. A school must not conduct business after the expiration of the current school license until the bureau has granted a renewal license.

(g) To change the name of a school before the school license expiration date, the owner(s) must make application to the bureau. A fee of twenty dollars (\$20) must accompany the application. The change of name will be contingent upon approval of the bureau.

Section 5

Location of school

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6, IC 20-19-2-8; IC 20-19-2-10; IC 36-1-2-17

(a) Except as set forth in subsection (b), a school must conduct all classes and operate out of the address appearing on the most recent application submitted to the bureau.

(b) An instructor of a properly licensed truck driver training school shall be permitted to conduct classroom training at a location provided by one of the following:

- (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;

if the governing body of the school corporation, nonpublic secondary school, state educational institution, or nonaccredited nonpublic school approves the delivery of the training to its students.

(c) Subsections (b)(1) through (b)(5) are subject to a contract or memorandum of understanding from the school corporation, nonpublic secondary school, state educational institution, or nonaccredited nonpublic school with the truck driver training school who is conducting the course. Classes must be held in a building provided by the school corporation, nonpublic secondary school, state educational institution, or nonaccredited nonpublic school. The truck driver training school conducting the course is subject to the rules described in section 8 of this rule. The bureau or the bureau's designee may accept reasonable alternative requirements to satisfy this rule in its discretion.

(d) In no instance shall a school operate in any manner from a residential dwelling.

Section 6

Office and classroom operations; advertising

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

(a) All truck driver training schools must operate from an office in the following manner:

- (1) The school license shall be displayed in a conspicuous location within the office.

- (2) An authorized agent of the bureau may periodically attend classroom instruction without notice. Refusal of the school to grant attendance may be grounds for suspension or revocation of the school license.
- (3) Sufficient indoor space to instruct students on the rules and regulations of the road and safe driving practices must be included within the school location. The classroom must be enclosed to eliminate any and all extraneous interference from the public. The classroom shall:
- (A) contain chairs and desks or tables in sufficient number to accommodate students;
 - (B) have adequate lighting; and
 - (C) be of sufficient size to comfortably accommodate the students but in no event shall the classroom contain less than two hundred twenty-five (225) square feet of usable area.
- (4) Access to a minimum of one (1) "unisex" restroom is required with a functioning lock. Approval of any school license will be contingent upon approval of the classroom and office space by the bureau.
- (5) The office of the school shall maintain reasonable and regular hours of operation. The office hours must be conspicuously posted near the entrance.
- (6) The office must not be operated in conjunction with any other business not related to commercial motor vehicle operation.
- (7) No truck driver training school shall advertise in any manner until such time as the bureau has issued the school a license.
- (8) A school shall not advertise or imply that it is:
- (A) supervised;
 - (B) recommended; or
 - (C) endorsed;
- by the bureau.
- (9) In the event a school ceases to operate, the bureau shall be notified in writing ten (10) calendar days before closure and all student records for the preceding six (6) years must be provided to the bureau upon request in a manner determined by the bureau.

Section 7

Name of School

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

- (a) No school can use, adopt, or conduct any business under a name that is substantially similar to the name used by another school without the written approval of the bureau. A school cannot use the words:
- (1) state;
 - (2) government;
 - (3) municipal;
 - (4) city; or
 - (5) county;

in any part of the school name except when the school is an entity defined under IC 21-7-13-32.

Section 8

Ownership of more than one school

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

- (a) The owner(s) of a truck driver training school desiring to operate more than one (1) school location must apply on forms prescribed and furnished by the bureau.
- (b) It shall be permissible, upon approval by the bureau, for schools to bear the same name so long as at least one (1) owner is identical for all schools concerned.
- (c) All additional school locations must meet the same requirements and follow the same procedure as provided for in these rules and regulations.

Section 9

Records

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6
Affected: IC 9-27-6

- (a) All records pertaining to the operation of a truck driver training school must be maintained in the main office of the school and available for inspection by the bureau. Refusal to grant an inspection of the records in compliance with this section may be grounds for suspension or revocation of the school license.
- (b) The school must do the following:
 - (1) Make available to the bureau, at any time when requested to do so, full information pertaining to any or all items required by this rule; and
 - (2) Permit the bureau to make copies of the required school records.
- (c) Every school must maintain the following records for six (6) years:
 - (1) The name, address and terms of payment with respect to every instructor giving:
 - (A) lessons;
 - (B) lectures;
 - (C) tutoring;
 - (D) instructions of any kind; or
 - (E) any other service relating to instructions in the operation of a motor vehicle;
 - (2) A record of all payments received from students;
 - (3) A copy of every contract entered between the school and student
 - (4) An electronic file providing the student's:
 - (A) full name and address;
 - (B) phone number;
 - (C) grades and hours in classroom training;
 - (D) grades and hours in behind the wheel training; and
 - (E) date of course completion.

Section 10

Contracts with students

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6
Affected: IC 9-27-6

- (a) Written contracts are required for each student enrolled in a truck driver training school and must be written and conform to the following:
 - (1) Must contain the agreed contract price per hour, lesson, or course;
 - (2) Must enumerate all related charges to be made to the student; and
 - (3) Must include the following clause: "An owner, officer, instructor, agent, or employee of any truck driver training school shall not state nor give the impression to a student that upon completion of the course, they will guarantee the securing of a commercial driver's license to operate a commercial motor vehicle."

Section 11

Insurance coverage

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6
Affected: IC 9-27-6

- (a) No school license will be issued unless and until the applicant has filed with the bureau evidence of insurance in the form of a certificate from the insurance carrier, in a company authorized to do business in the state of Indiana in the amount that meets at least the minimal requirements listed in 49 CFR 387.9.
- (b) The truck driver training school shall:
 - (1) stipulate that the bureau shall be notified when the policy expires or cancelled; and
 - (2) include the make, model, and manufacturer's identification number of any and all vehicles covered in the policy.
- (c) Proof of insurance must be made available to the bureau upon request.
- (d) Truck driver training schools must provide notice of additional vehicles covered by sending written verification from the insurance company to the bureau, using the make, model, and manufacturer's identification number.

(e) Schools conducted by state educational institutions as defined in IC 21-7-13-32 are not required to provide the evidence of insurance set forth in subsection (a) if the institution is self insured. Schools conducted by state educational institutions as defined in IC 21-7-13-32 shall provide evidence of insurance if the state educational institution has elected to obtain insurance to operate a school.

Section 12

Vehicle standards

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

(a) Every motor vehicle used for truck driver training must have a current registration and license plate. (b) Every training vehicle being operated by a student must be conspicuously marked as a vehicle used for truck driver training and visible from all four (4) sides of the training vehicle.

(c) Every training vehicle must be clean and in good working condition.

(d) Every training vehicle must pass bureau inspection and a separate Department of Transportation inspection.

(e) The school vehicle certificate issued by the bureau must be carried in the vehicle at all times while driving instructions are being given.

(f) The vehicle registration and current insurance information must be carried in the vehicle at all times.

Section 13

Curriculum

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

(a) Truck driver training schools licensed by the bureau must provide instruction as follows:

(1) The course of instruction shall include, but not be limited to:

(A) Subject matter relating to rules and regulations of operating a commercial motor vehicle;

(B) Safe driving practices including how to avoid drivers who display aggressive and unsafe behavior;

(C) Pedestrian safety;

(D) Driver responsibility;

(E) Accident reporting;

(F) Mental attitudes and physical characteristics of individuals as related to the operation of a commercial motor vehicle;

(G) Maintenance of a commercial motor vehicle;

(H) Handling of driver emergencies;

(I) Driving skills including but not limited to the following:

(i) Proper lane changing;

(ii) Lane positioning;

(iii) Proper signaling; and

(iv) Merging;

(J) Signs, signals, highway markings, and highway design features that require understanding for the safe operation of a commercial motor vehicle;

(K) Backing and parallel parking;

(L) Sharing the road with other vehicles with special emphasis on motorcycles, bicycles and small vehicles; and

(M) Distracted Driving.

(2) The school shall not use any questions prepared by the bureau when preparing questions for instructional or evaluative purposes.

(3) The practical course of instruction shall include the demonstration of the following in a commercial motor vehicle:

(A) stopping;

(B) starting;

(C) shifting;

(D) turning;

- (E) lane changing;
- (F) lane positioning;
- (G) merging;
- (H) signaling;
- (I) backing;
- (J) parallel parking; and
- (K) steering;

(4) In addition to subsections (a)(1) and (a)(3), schools must also provide instruction as needed based on any other applicable requirements.

Section 14

Instructor's license; qualifications

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6

Affected: IC 9-27-6

- (a) No person shall give truck driver training instruction for compensation or act as a truck driver training instructor unless he or she holds a valid, current truck driver training instructor license issued by the bureau.
- (b) The following requirements apply for instructor's license applications and applicants:
- (1) All applications for an instructor's license must be accompanied by a fee of ten dollars (\$10). The application for the renewal of an instructor's license must be filed with the bureau on or before midnight, May 1 of even numbered years.
 - (2) All applicants must be citizens or permanent lawful residents of the United States.
 - (3) Every truck driver training instructor:
 - (A) must be:
 - (i) at least twenty-one (21) years of age; and
 - (ii) a person of high moral character; and
 - (B) will be required to provide a full national criminal background check as prescribed by the bureau with their initial license application, and a limited criminal history background check from the instructor's state of residency with all subsequent license renewal applications. Both the full national criminal background check and the limited criminal history background check must be dated within ninety (90) days of application.
 - (4) Every person must hold a valid commercial driver's license before making application for a truck driver training instructor license. In addition, the following guidelines apply:
 - (A) An instructor's license will be denied if, within three (3) years prior to the application the person has been convicted of operating a vehicle while under the influence of alcohol or a controlled substance.
 - (B) An instructor's license will be denied if, at the time of application and all times thereafter, the person has ten (10) or more active points on the driving record.
 - (C) An instructor's license may be denied, if within three (3) years the prior to the application the license has been suspended, revoked, cancelled or disqualified.
 - (5) The bureau may allow for a case-by-case analysis of an instructor's ability to perform instruction in the vehicle or in the classroom and impose additional requirements before licensing.
- (c) In addition to any requirements set forth in IC 9-24-6, requirements for the instructor license are as follows:
- (1) The instructor license shall be valid for a period of up to two (2) years from the date of issuance to the end of the licensing period (beginning July 1 and ending June 30, in even numbered years). The license will be effective only for the license period in which it is issued.
 - (2) Where an application is made for the renewal of a truck driver training instructor license, the instructor must not provide instruction or training after the expiration of the current license until the bureau has renewed the instructor license.
 - (3) An instructor must have in his or her possession a truck driver training school instructor license issued by the bureau while giving classroom or in-vehicle instruction.
 - (4) The instructor's license certificate shall be maintained on file by the truck driver training school so long as the instructor shall remain employed by the school.
 - (5) Any accident during any consecutive two (2) year period may make an instructor's license subject to suspension or revocation by the bureau.

- (6) Any violation resulting in suspension or revocation of driving privileges shall cause the immediate suspension or revocation of the instructor's license. The instructor may request the bureau reinstate the instructor's license by submitting a request in writing.
 - (7) Every truck driver training instructor who is not licensed to operate a motor vehicle by the bureau must provide to the bureau a certified copy of his or her driving record from the jurisdiction from which his or her commercial driver license is issued. This certified record must be filed:
 - (A) with the bureau before the original application will be approved; and
 - (B) upon every subsequent renewal.
 - (8) The bureau is authorized to grant instructor licenses that are restricted to theoretical instruction.
 - (9) The bureau must be notified in writing within three (3) days upon the change of address of a driving instructor.
 - (10) The school must notify the bureau within three (3) days in writing whenever an instructor leaves the school's employment for any reason, or joins the school's employment as a new employee not listed on the school's most recent license application.
- (d) In the event the instructor license is lost, destroyed, or mutilated, the instructor must submit a written request to obtain a replacement.
- (e) The fee for a replacement truck driver training instructor license is five dollars (\$5). The fee must submit a written request to obtain a replacement license certificate.
- (f) The bureau may deny the instructor's license based on the results of the background check, which includes the applicant's criminal history and driver's record.

Section 15
General provisions

Authority: IC 9-13-2-188.5, IC 9-14-2-2; IC 9-24-6
 Affected: IC 9-27-6

- (a) No:
 - (1) state official or his or her designee or employee whose duties relate in any way to the issuance of Indiana driver's licenses; or
 - (2) employee of the bureau or commission or any member of the employee's immediate family; shall be connected in any capacity whatsoever with any school.
- (b) The provisions of these rules and regulations shall not apply to any of the following:
 - (1) Any person giving truck driver training lessons without charge; or
 - (2) Employers maintaining truck driver training schools without charge for their employees only.
- (c) No complete course of instruction shall be completed in fewer than:
 - (1) one hundred and twenty (120) hours of instruction for a Class A CMV; or
 - (2) eighty (80) hours of instruction for a Class B CMV.
- (d) The school is required to ascertain, before giving practical instruction to Indiana residents, that the student possesses a valid commercial driver learner's permit or commercial driver's license from the Indiana bureau of motor vehicles.
- (e) A school may change its:
 - (1) fee schedule;
 - (2) contracts; or
 - (3) other forms required to be filed with the bureau;
 only when the school has by provided notified to the bureau at least thirty (30) calendar days before the change.
- (f) Truck driver training schools will be permitted to accept endorsements, promotions, cooperative advertising, and marketing partnerships so long as the commercial enterprises:
 - (1) do not diminish the importance of driver education; and
 - (2) are not perceived:
 - (A) by the bureau as unethical; and
 - (B) as an endorsement by the state of Indiana or any of its bureaus or agencies.
- (g) Truck driver training schools must provide the bureau with copies of all contracts and information concerning the commercial enterprises if requested by the bureau.
- (h) No school instructor, employee, or agent will be permitted to do the following:
 - (1) Accompany any student into any office being used for the giving or driver license examinations;

- (2) Assist a student taking any examination(s); or
 - (3) Personally, or by proxy, solicit any individual on the premises rented, leased, owned, or used by the bureau for the purpose of enrolling students in any truck driver training school.
- (i) Any false information on any application or form may be grounds for suspension or revocation of any license.
- (j) The bureau may suspend or revoke, or take any other action deemed necessary, any license or certificate for any of the violations listed in these rules. Violations that are cause for suspension or revocation are inclusive of, but not limited to, the following:
- (1) The licensee has violated any provision of the rules and regulations of the bureau;
 - (2) The licensee is instructing students contrary to the restrictions imposed on a student's driver's license or permit; or
 - (3) The licensee has the unauthorized possession of documents used by the bureau in conjunction with administering driver's license examinations.
- (k) The license of any school or instructor may be suspended or revoked after due notice and an administrative review outlining the reasons for suspension or revocation, which may include, but not limited to the following violations:
- (1) Committing any act that, in the opinion of the bureau, constitutes unprofessional conduct, intemperance, or negligence in the performance of duties required and privileges conferred by licensure;
 - (2) Committing fraud, deceit, or misrepresentation in obtaining a license; or
 - (3) Conducting fraudulent, misleading, or deceptive advertising or promotion in regard to instruction programs.
- (l) In the event of revocation, a new application must be submitted to the bureau to reapply for a school or instructor license.
- (m) In the event of suspension of the school or instructor's license, a written request must be submitted to the bureau, requesting reinstatement of the license.
- (n) Violations that are cause for permanent revocation are inclusive of, but not limited to, the following:
- (1) The licensee has been convicted of a felony or crime, or found guilty following an administrative review or hearing, of the following:
 - (A) violence;
 - (B) dishonesty;
 - (C) deceit;
 - (D) indecency; or
 - (E) moral conduct; or
 - (2) The licensee has aided or assisted a person in obtaining a driver's license by fraudulent procedure.
- (o) The bureau may enact procedures for electronic transfer of student information, fees, and licensing as applicable.