



January 24, 2006

HOUSE BILL No. 1300

DIGEST OF HB 1300 (Updated January 23, 2006 12:43 pm - DI 96)

Citations Affected: IC 9-13; IC 9-24; noncode.

Synopsis: Commercial driver's licenses and permits. Expands the definition of "Indiana resident", for purposes of the commercial driver's license (CDL) law, to include an individual who temporarily resides in Indiana in order to attend a truck driver training school. Authorizes the bureau of motor vehicles to issue a CDL learner's permit or a CDL to a resident of another state who is temporarily living in Indiana to attend a truck driver training school, and makes a permit or CDL issued to such a student valid for 90 days. Makes it a Class C infraction for the owner of a truck driver training school to fail to notify the bureau of certain events. Specifies that a truck driver training school that is not a state educational institution is subject to rules adopted by the commission on proprietary education. Makes conforming amendments.

Effective: Upon passage.

Mahern, Davis, Borrer

January 12, 2006, read first time and referred to Committee on Roads and Transportation.
January 23, 2006, reported — Do Pass.

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HB 1300—LS 6562/DI 96+



January 24, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1300

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-29.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 29.5. "Commercial driver's license
4 learner's permit", for purposes of IC 9-24-6, has the meaning set
5 forth in IC 9-24-6-0.5.**
- 6 SECTION 2. IC 9-13-2-78 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 78. "Indiana
8 resident" refers to a person who is one (1) of the following:
- 9 (1) A person who has been living in Indiana for at least one
10 hundred eighty-three (183) days during a calendar year and who
11 has a legal residence in another state. However, the term does not
12 include a person who has been living in Indiana for any of the
13 following purposes:
- 14 (A) Attending an institution of higher education.
15 (B) Serving on active duty in the armed forces of the United
16 States.
- 17 (2) A person who is living in Indiana if the person has no other

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- 1 legal residence.
- 2 (3) A person who is registered to vote in Indiana.
- 3 (4) A person who has a child enrolled in an elementary or a
- 4 secondary school located in Indiana.
- 5 (5) A person who has more than one-half (1/2) of the person's
- 6 gross income (as defined in Section 61 of the Internal Revenue
- 7 Code) derived from sources in Indiana using the provisions
- 8 applicable to determining the source of adjusted gross income that
- 9 are set forth in IC 6-3-2-2. However, a person who is considered
- 10 a resident under this subdivision is not a resident if the person
- 11 proves by a preponderance of the evidence that the person is not
- 12 a resident under subdivisions (1) through (4).

(6) A person who:

- 14 **(A) is enrolled as a student of a truck driver training**
- 15 **school;**
- 16 **(B) has legal residence in another state but is living in**
- 17 **Indiana temporarily for the express purpose of taking a**
- 18 **course of study from the truck driver training school; and**
- 19 **(C) intends to return to the person's state of residence**
- 20 **upon completion of the course of study of the truck driver**
- 21 **training school.**

SECTION 3. IC 9-13-2-188.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 188.5. "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 20-12-76-9) located in Indiana and accredited by the Indiana commission on proprietary education or a state educational institution (as defined in IC 20-12-0.5-1) that:**

- 29 **(1) educates or trains a person; or**
- 30 **(2) prepares a person for an examination or a validation given**
- 31 **by the bureau;**
- 32 **to operate a truck as a vocation.**

SECTION 4. IC 9-24-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "commercial driver's license learner's permit" means a driver's permit that allows an individual, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by a person:**

- 39 **(1) who holds a valid commercial driver's license for the type**
- 40 **of commercial motor vehicle being driven; and**
- 41 **(2) who occupies a seat beside the individual in order to give**
- 42 **instruction to the individual in driving the commercial motor**

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vehicle.
SECTION 5. IC 9-24-6-2, AS AMENDED BY P.L.123-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

- (c) Rules adopted under this section must include the following:
 - (1) Establishment of classes and periods of validation of commercial driver's licenses.
 - (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
 - (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of ~~residence in Indiana~~ **Indiana residence.**
 - (4) Development of written or oral tests, driving tests, and fitness requirements.
 - (5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.
 - (6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.
 - (7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.
 - (8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.
 - (9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law.

SECTION 6. IC 9-24-6-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) In addition to issuing commercial driver's licenses according to rules adopted under section 2 of this chapter, the bureau, upon proper application and upon successful completion of an examination determined by the bureau to be**

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1 necessary, shall issue a:

2 (1) commercial driver's license learner's permit; or

3 (2) commercial driver's license;

4 to an Indiana resident described in IC 9-13-2-78(6) who is enrolled

5 in a truck driver training school.

6 (b) Notwithstanding section 2(c)(1) of this chapter, a:

7 (1) commercial driver's license learner's permit; or

8 (2) commercial driver's license;

9 issued under this section expires ninety (90) days after the date of

10 issuance.

11 SECTION 7. IC 9-24-6-4 IS AMENDED TO READ AS FOLLOWS

12 [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~The holder of~~ **An applicant**

13 **for a commercial driver's license for the transportation of property or**

14 **a commercial driver's license learner's permit** must meet the

15 following conditions:

16 (1) Be at least eighteen (18) years of age.

17 (2) Have had at least one (1) year of driving experience as a

18 licensed driver.

19 SECTION 8. IC 9-24-6-5.3 IS ADDED TO THE INDIANA CODE

20 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE

21 UPON PASSAGE]: **Sec. 5.3. (a) The owner of a truck driver**

22 **training school or a state educational institution (as defined in**

23 **IC 20-12-0.5-1) that operates a truck driver training school as a**

24 **course of study must notify the bureau:**

25 (1) of a student's completion of a course of the truck driver

26 training school immediately after the student completes the

27 course; or

28 (2) of the termination of a student's instruction in the truck

29 driver training school immediately after the student's

30 instruction terminates.

31 (b) In addition to satisfying the requirements of

32 **IC 20-12-76-24(a), the owner of a truck driver training school must**

33 **retain records relating to each student of the truck driver training**

34 **school for not less than six (6) years.**

35 SECTION 9. IC 9-24-6-5.5 IS ADDED TO THE INDIANA CODE

36 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE

37 UPON PASSAGE]: **Sec. 5.5. A truck driver training school**

38 **accredited by the Indiana commission on proprietary education is**

39 **subject to rules adopted by the Indiana commission on proprietary**

40 **education under IC 20-12-76-13(c).**

41 SECTION 10. [EFFECTIVE UPON PASSAGE] (a) **It is the intent**

42 **of the general assembly that an individual who is a resident of**

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1 another state but who attends a truck driver training school (as
2 defined in IC 9-13-2-188.5, as added by this act) in Indiana be
3 allowed to apply for a commercial driver's license learner's permit
4 (as defined in IC 9-13-2-29.5, as added by this act) from Indiana.

5 (b) 140 IAC 7-3-5(a)(2) is void. The publisher of the Indiana
6 Administrative Code and the Indiana Register shall remove 140
7 IAC 7-3-5(a)(2) subdivision from the Indiana Administrative Code.

8 SECTION 11. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DUNCAN, Chair

Committee Vote: yeas 10, nays 0.

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