

Members

Sen. Travis Holdman, Chairperson  
Sen. Michael Delph  
Sen. James Tomes  
Sen. James Arnold  
Sen. Timothy Skinner  
Sen. Greg Taylor  
Rep. Kevin Mahan, Vice-Chairperson  
Rep. Douglas Gutwein  
Rep. Thomas Knollman  
Rep. Charles Moseley  
Rep. Gail Riecken  
Rep. Mary Ann Sullivan



# INTERIM STUDY COMMITTEE ON DRIVER EDUCATION

Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Bill Brumbach, Fiscal Analyst for the Committee  
Susan Montgomery, Attorney for the Committee

Authority: P.L. 101-2009

## MEETING MINUTES<sup>1</sup>

Meeting Date: August 15, 2012  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington St., 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

**Members Present:** Sen. Travis Holdman, Chairperson; Sen. Michael Delph; Sen. James Tomes; Sen. James Arnold; Sen. Timothy Skinner; Sen. Greg Taylor; Rep. Charles Moseley; Rep. Gail Riecken; Rep. Mary Ann Sullivan.

**Members Absent:** Rep. Kevin Mahan, Vice-Chairperson; Rep. Douglas Gutwein; Rep. Thomas Knollman.

### I. Call to Order and Introductions

Chairman Travis Holdman called the first meeting of the Interim Study Committee on Driver Education to order at 10:05 AM. Chairman Holdman briefly discussed prior legislation that was passed to decrease teenage driver accident rates but cautioned that it is still too early to determine how this bill will affect accident rates in the state. The Chairman then thanked the members for serving on the Committee and asked them to identify themselves to the audience.

### II. Study Topics Assigned to the Committee

Ms. Susan Montgomery, Attorney for the Committee, read the study topics assigned to the Committee from P.L. 101 - 2009.

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<sup>1</sup> These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

### III. Update from the Bureau of Motor Vehicles (BMV)

**Mr. Shawn Walters, Chief of Staff for the BMV**, informed the Committee of several changes that have been undertaken to improve the efficiency and oversight of driver education in the state. Most of these changes were implemented as a result of the transfer of driver education from the Criminal Justice Institute and the Department of Education to the BMV.

Some of the changes highlighted for the Committee were increased capabilities and content available on the BMV's website. These changes were intended to increase the amount of information available to individuals and assist in helping individuals obtain their operator's license.

Mr. Walters informed the Committee they are in the process of determining how many private driving schools and secondary schools offer a driver instruction course to students in the state. As of the day of the meeting, the BMV had 203 confirmed driver schools in the state (including private driving schools and secondary schools that offer a driver instruction course to students).

The Committee discussed the merits of allowing prospective teen drivers to fulfill the classroom component of driver education through online courses as opposed to classroom instruction.

The Committee also discussed the merit of requiring adult drivers to complete the 50-hour supervised driving requirement for receiving an operator license. The Committee discussed how the 50-hour supervised driving requirement is vital for teenage drivers, but may not be as important for adults seeking their operator's license for the first time.

Chairman Holdman advised the Committee the 50-hour supervised driving time requirement was put in place based on studies that showed teen car crash fatalities decreased as drivers increased their experience operating a motor vehicle. However, the Committee also expressed that it may prove difficult for adults who are first trying to obtain their operator license to log the required 50 hours.

**Senator Jim Tomes** asked the BMV about the written test and how many times someone can take the test after they have failed. Mr. Walters of the BMV responded that an individual currently can take the written test an unlimited number of times. Committee members asked the BMV to provide information at the next meeting regarding the failure rate of people taking the written test.

### IV. Comments from other state agencies

**Mr. Ryan Klitzsch of the Criminal Justice Institute (CJI)** reported the CJI was currently engaged in collecting data to measure the effectiveness of previously passed legislation aimed at decreasing teenage driver accident rates. Mr. Klitzsch reported the CJI and researchers from Purdue University would like to have two full years of data before making any conclusions about the effectiveness of these statutory changes. Mr. Klitzsch did inform the Committee the data currently indicates the changes in the graduated driver license program are decreasing the number of teen fatality car crashes in the state.

**Lt. Mark Carnell of the Indiana State Police (ISP)** responded to a question posed by **Senator Greg Taylor** regarding access to an individual's driving record. Senator Taylor specifically wanted to know why a person's driving record couldn't be sealed in the same way a person's criminal history information could be sealed. Lt. Carnell responded that the ISP can only restrict public access to criminal history and has no authority to require the BMV to restrict access to driving records. Lt. Carnell suggested that if the intent is to have someone's driving record

sealed as well as their criminal history, the trial court could require the BMV to do so, but this action currently does not fall under ISP's authority.

#### V. Comments from Mr. David Garrison, IVY Tech

**Mr. David Garrison** updated the Committee on driver instructor training offered at IVY Tech campuses. To date, IVY Tech has developed three courses to provide training to driver education instructors. The courses are currently offered at the Terre Haute and Kokomo campus locations. In May of 2012, 10 instructors passed the instructor training classes offered at Terre Haute, and by October of 2012, Mr. Garrison expects an additional 14 instructors will pass instructor training at the Kokomo campus.

Chairman Holdman recounted that two years ago, Indiana State University was the only post-secondary institution in the state that offered driving instructor training classes. This driving instructor training deficiency is what prompted IVY Tech to take on the responsibility of providing driver instructor training in the state.

Committee members expressed concern regarding driver instructor schools that accepted payment for instruction services but never delivered. **Ms. Elizabeth Murphy** informed the Committee the BMV is currently looking into creating a bonding program that would allow victimized students to receive a refund of some, if not all, of their tuition money and still receive driving instruction from the BMV. Chairman Holdman asked Ms. Murphy if the BMV would need legislative authority to create such a program, to which Ms. Murphy replied that she believed the BMV currently has the statutory authority to undertake such an effort.

#### VI. Written Testimony from Sherry Deane, AAA.

**Ms. Sherry Deane of AAA** provided the Committee with written testimony regarding driver education issues (Exhibit 1). The written statement was read before the Committee.

The two main areas of concern highlighted by Ms. Deane are (1) penalties for driving schools that are found to be in noncompliance with laws and regulations and (2) how the online driver education programs are inadequately preparing young drivers.

In regards to these areas of concern, Chairman Holdman asked the BMV to compile data demonstrating crash rates for individuals who take only online instruction compared to those who take classroom instruction. Senator Tomes also asked the BMV to provide information on the average cost difference between online instruction versus classroom instruction.

#### VII. Comments from Private Driving Schools

**Ms. Karen Burkhardt, American Driving Academy of Kokomo, Indiana**, testified that one of the greatest obstacles for adult student drivers and foreign exchange student drivers to overcome is the 50-hour supervised driving time requirement. Ms. Burkhardt agreed it would be a good idea to lower this requirement for adults, but testified she was unsure as to how much it should be decreased.

Ms. Burkhardt also commented that several of her students commented to her that online instruction is easier than classroom instruction, providing incentive to select this method of instruction. Ms. Burkhardt added that the online instruction is also more convenient for student athletes as they cannot attend classroom instruction during after-school hours.

Based on her own observations, Ms. Burkhardt informed the Committee that student drivers who use online instruction seem comparatively more unprepared than those who take classroom instruction.

Lastly, Ms. Burkhardt informed the Committee that the BMV is preparing to perform an audit of driving schools in the state, but have not clearly defined what the BMV will be looking for in these audits. Ms. Burkhardt asked that clarity be provided by the BMV so driving school owners and operators can be adequately prepared for these audits.

### **VIII. Other Business**

**Representative Charles Moseley** asked if there were any programs available that would allow veterans who received formal commercial driver training from the U.S. Department of Defense while on active duty to claim these training hours towards receiving a Commercial Drivers License (CDL). Representative Moseley informed the Committee this would provide additional assistance and employment for veterans returning from active duty.

The BMV informed the Commission the main road block to accepting military training for CDL issuance is state law that mirrors federal law. However, the BMV agreed to compile a brief on other states that offer CDL credit for military training as well as associated state statute the BMV feels enables these states to offer such a program. Chairman Holdman asked the BMV to also assess if statutory changes would be necessary to accept military training for CDL issuance or if the changes can be implemented by other means.

Chairman Holdman asked the state agencies to formulate legislative recommendations for the Committee by August 25, 2012, to be considered at the second and final meeting. One recommendation Chairman Holdman had was changing the 50-hour supervised driving time for adults seeking their operator license.

### **IX. Selection of Next Meeting Date**

Chairman Holdman selected the next meeting date for the Interim Committee on Driver Education for September 20<sup>th</sup> at 9:30 AM in Room 233 of the Statehouse.

The meeting adjourned at 11:50 AM.

Remarks from Sherry Deane, AAA Hoosier Motor Club  
for the Interim Study Committee on Driver Education  
August 15, 2012

1. The penalties need to be clear for driving schools that are found to be non-compliant with the new rules and regs. For example, fines, suspensions, etc., and the BMV should have the authority to go in and shut down a school that is unlicensed and mark the building as such, etc. There was a recent situation where the school owner just chose not to renew his license under the new guidelines but said "why should he shut down his school because he could still teach kids how to drive." But those families had no idea that their permits would not be any good from that school. The owner did finally shut down and took off with the students' money because of all the news coverage, but a comment made to the media was that the BMV didn't have the authority to actually shut down the school.

2. The other concern that we have is with the online driver education programs. We have been consistently hearing from instructors that when the teen comes for the behind-the-wheel training after completing the online course, they know NOTHING about driving, and the instructors are having to give "mini" classes before they can even take the teen out on the road and that their knowledge base is scary. We still completely disagree with online driver ed replacing the classroom phase but believe it could potentially be used along with the classroom phase so the teen could complete say 10 hours online and 20 hours in the classroom. Online is probably better than nothing at all but should not be rated equally with a teen that goes through the entire classroom phase. One suggestion I would make is that those teens being parent taught be required to take the online course to be eligible for their license at age 17. Those taking online plus professionally taught behind-the-wheel training be eligible for their license at 16 and 9 months. And then those teens who take the full classroom phase in-person, or in-person and online together, as well as behind-the-wheel training with an instructor be eligible for their license at 16 and 6. We still very much believe there needs to be more of a time difference for those kids who take no professional training compared to the current 3 months. Most of the other states have at least a one year time difference.

Exhibit 1 8/15/2012  
Interim Study  
Committee on Driver  
Education