

HOUSE BILL No. 1488

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-14.5; IC 9-21-8; IC 35-52-9-17.2.

Synopsis: Traffic safety. Requires a motorist to provide at least three feet of clearance between a motor vehicle and a bicycle when at the speed of 30 miles per hour or less. Provides that at least one additional foot of clearance for every 10 miles per hour above 30 miles per hour must be provided by the motorist if possible. Allows a court to impose a 90 day to two year license suspension for a violation. Requires the imposition of community service, a driver's license suspension, and a fine of up to \$12,500 for a violation that results in bodily injury or death to a bicyclist or pedestrian. Creates the crime of vehicular assault of a bicyclist or pedestrian, a Class A misdemeanor.

Effective: July 1, 2015.

Carbaugh, Ober

January 14, 2015, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1488



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

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

- 1 SECTION 1. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2015]: **Sec. 14.5. "Bicyclist" means an individual operating a**
- 4 **bicycle.**
- 5 SECTION 2. IC 9-21-8-5 IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2015]: Sec. 5. The following rules govern the
- 7 overtaking and passing of vehicles proceeding in the same direction,
- 8 subject to the limitations, exceptions, and special rules stated:
- 9 (1) A person who drives a **motor** vehicle overtaking another
- 10 vehicle proceeding in the same direction shall pass to the left of
- 11 the other vehicle at a safe distance and may not again drive to the
- 12 right side of the roadway until safely clear of the overtaken
- 13 vehicle.
- 14 (2) Except when overtaking and passing on the right is permitted,
- 15 a person who drives an overtaken vehicle shall give way to the



1 right in favor of the overtaking vehicle on audible signal and may
 2 not increase the speed of the overtaken vehicle until completely
 3 passed by the overtaking vehicle.

4 **(3) A person who drives a motor vehicle overtaking a bicyclist**
 5 **shall:**

6 **(A) provide at least three (3) feet of clearance between the**
 7 **motor vehicle and the bicycle if the motor vehicle is**
 8 **traveling at thirty (30) miles per hours or less;**

9 **(B) provide at least three (3) feet of clearance plus at least**
 10 **one (1) additional foot of clearance for every ten (10) miles**
 11 **per hour the motor vehicle is traveling above thirty (30)**
 12 **miles per hour if the width of the roadway permits that**
 13 **amount of clearance; and**

14 **(C) not return to the right side of the roadway until the**
 15 **motor vehicle is safely clear of the bicycle.**

16 SECTION 3. IC 9-21-8-49, AS AMENDED BY P.L.65-2010,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 49. Except as provided in sections 50, 51, 52, 54,
 19 55, **55.5**, 56, and 58 of this chapter, a person who violates this chapter
 20 commits a Class C infraction.

21 SECTION 4. IC 9-21-8-52, AS AMENDED BY P.L.217-2014,
 22 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 52. (a) A person who operates a **motor** vehicle
 24 and who recklessly:

25 (1) drives at such an unreasonably high rate of speed or at such an
 26 unreasonably low rate of speed under the circumstances as to:

27 (A) endanger the safety or the property of others; or

28 (B) block the proper flow of traffic;

29 (2) passes another vehicle from the rear while on a slope or on a
 30 curve where vision is obstructed for a distance of less than five
 31 hundred (500) feet ahead;

32 (3) drives in and out of a line of traffic, except as otherwise
 33 permitted; **or**

34 (4) speeds up or refuses to give one-half (1/2) of the roadway to
 35 a driver overtaking and desiring to pass;

36 **(5) fails to provide sufficient clearance between the motor**
 37 **vehicle and a bicyclist as specified in section 5(3) of this**
 38 **chapter; or**

39 **(6) fails to exercise due care, as required by section 37(1) of**
 40 **this chapter, in avoiding a collision with a pedestrian;**

41 commits a Class B misdemeanor.

42 (b) A person who operates a vehicle and who recklessly passes a



1 school bus stopped on a roadway when the arm signal device specified
 2 in IC 9-21-12-13 is in the device's extended position commits a Class
 3 B misdemeanor. However, the offense is a Class A misdemeanor if it
 4 causes bodily injury to a person.

5 (c) If an offense under subsection (a) or (b) results in damage to the
 6 property of another person or bodily injury to another person, it is a
 7 Class C misdemeanor and the court may recommend the suspension of
 8 the current driving license of the person for a fixed period of not more
 9 than one (1) year.

10 SECTION 5. IC 9-21-8-54 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 54. (a) A person who
 12 violates section 35(b) or ~~section~~ 35(c) of this chapter commits a Class
 13 A infraction.

14 (b) If a violation of section **5(3)**, 35(b), **or 55.5** of this chapter
 15 results in damage to the property of another person, in addition to any
 16 other penalty imposed, the court shall recommend that the person's
 17 driving privileges be suspended for a fixed period of not less than
 18 ninety (90) days and not more than one (1) year.

19 (c) If a violation of section **5(3)**, 35(c), **or 55.5** of this chapter results
 20 in damage to the property of another person of at least two hundred
 21 fifty dollars (\$250), in addition to any other penalty imposed, the court
 22 shall recommend that the person's driving privileges be suspended for
 23 a fixed period of not less than ninety (90) days and not more than one
 24 (1) year.

25 (d) If a violation of section **5(3)**, 35(b), ~~or section~~ 35(c), **or 55.5** of
 26 this chapter results in **bodily** injury to another person, in addition to
 27 any other penalty imposed, the court shall recommend that the person's
 28 driving privileges be suspended for a fixed period of not less than one
 29 hundred eighty (180) days and not more than two (2) years.

30 (e) If a violation of section **5(3)**, 35(b), ~~or section~~ 35(c), **or 55.5** of
 31 this chapter results in the death of another person, in addition to any
 32 other penalty imposed, the court shall recommend that the person's
 33 driving privileges be suspended for two (2) years.

34 (f) The bureau shall, upon receiving a record of a judgment entered
 35 against a person under this section:

36 (1) suspend the person's driving privileges for a mandatory
 37 period; or

38 (2) extend the period of an existing suspension for a fixed period;
 39 of not less than ninety (90) days and not more than two (2) years. The
 40 bureau shall fix this period in accordance with the recommendation of
 41 the court that entered the judgment.

42 **(g) If a violation of section 5(3) or 55.5 of this chapter results in**



1 **bodily injury or death to a bicyclist or a pedestrian, the court, in**
 2 **addition to the penalties provided in subsections (b), (c), (d), and**
 3 **(e), shall:**

- 4 **(1) require the person to complete a traffic safety course;**
 5 **(2) require the person to perform at least one hundred (100)**
 6 **hours and not more than two hundred (200) hours of**
 7 **community service related to driver improvement or traffic**
 8 **safety;**
 9 **(3) impose, but suspend on the condition that the person**
 10 **comply with subdivisions (1) and (2), a fine of up to twelve**
 11 **thousand five hundred dollars (\$12,500); and**
 12 **(4) schedule a status hearing regarding the person's**
 13 **compliance with subdivisions (1) and (2) up to one (1) year**
 14 **after the date of sentencing.**

15 **(h) At the status hearing described in subsection (g)(4), the**
 16 **court:**

- 17 **(1) shall dismiss the fine imposed under subsection (g)(3) if the**
 18 **person has fully complied with subsection (g)(1) and (g)(2);**
 19 **(2) shall provide the person with additional time to perform**
 20 **the duties required under subsection (g)(1) and (g)(2) upon a**
 21 **showing of good cause;**
 22 **(3) may end the suspension of the fine imposed under**
 23 **subsection (g)(3) and order payment; or**
 24 **(4) may reschedule a status hearing regarding the person's**
 25 **compliance with subsection (g)(1) and (g)(2) if additional time**
 26 **is granted under subdivision (2).**

27 **SECTION 6. IC 9-21-8-55.5 IS ADDED TO THE INDIANA CODE**
 28 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 29 **1, 2015]: Sec. 55.5. A person who:**

- 30 **(1) recklessly operates a motor vehicle upon a road or**
 31 **highway that results in contact between the motor vehicle and**
 32 **a bicyclist or a pedestrian; and**
 33 **(2) causes bodily injury to the bicyclist or the pedestrian;**
 34 **commits vehicular assault of a bicyclist or pedestrian, a Class A**
 35 **misdemeanor.**

36 **SECTION 7. IC 35-52-9-17.2 IS ADDED TO THE INDIANA**
 37 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 38 **[EFFECTIVE JULY 1, 2015]: Sec. 17.2. IC 9-21-8-55.5 defines a**
 39 **crime concerning traffic regulation.**

