HB 1236—LS 7086/DI 123

Citations Affected: IC 9-13; IC 9-21; IC 14-8.

Synopsis: Electric bicycles. Defines the term "electric bicycle" as a bicycle equipped with: (1) operable pedals; and (2) an electric motor with a power output not greater than 750 watts. Provides that an electric bicycle is not a motor vehicle. Provides that the operator of an electric bicycle is: (1) subject to all of the duties; and (2) entitled to all of the rights and privileges; of a bicycle operator. Provides that an electric bicycle shall be regulated as a bicycle. Provides certain exceptions. Exempts the operator of an electric bicycle from motor vehicle statutes concerning: (1) driver's licenses; and (2) financial responsibility. Exempts electric bicycles from motor vehicle statutes concerning: (1) certificates of title; (2) registration; and (3) off-road vehicles. Requires manufacturers and distributors of electric bicycles to affix and prominently display a label with the following information on each electric bicycle: (1) The class level of the electric bicycle. (2) The top assisted speed of the electric bicycle. (3) The total power output of the electric bicycle's electric motor. Requires all electric bicycles to comply with certain requirements adopted by the United States Consumer Product Safety Commission. Requires all electric bicycles to be equipped with an electric motor that disengages or ceases to function when the operator: (1) stops pedaling; or (2) applies brakes. Specifies where electric bicycles may be operated. Allows a local authority or state agency with jurisdiction over a trail, bicycle path, or multipurpose path to regulate the use of electric bicycles on a

Effective: July 1, 2019.

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trail, bicycle path, or multipurpose path subject to the local authority's or state agency's jurisdiction. Prohibits a person less than 15 years of age from operating certain electric bicycles. Allows a person less than 15 years of age to ride as a passenger on certain electric bicycles. Requires a properly fitted and fastened helmet capable of meeting certain safety standards to be worn by certain individuals when operating or riding on certain electric bicycles. Requires the operator of a motor vehicle to provide at least 3 feet of clearance when passing or overtaking an electric bicycle in certain instances. Defines certain terms. Makes conforming amendments.
HOUSE BILL No. 1236

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:

SECTION 1. IC 9-13-2-25.8, AS AMENDED BY P.L.257-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25.8. "Class A motor driven cycle" means a motor vehicle that:

1. has a seat or saddle for the use of the rider;
2. is designed to travel on not more than three (3) wheels in contact with the ground;
3. complies with applicable motor vehicle equipment requirements under IC 9-19 and 49 CFR 571; and
4. is registered as a Class A motor driven cycle under IC 9-18 (before its expiration) or IC 9-18.1.

The term does not include an electric personal assistive mobility device or an electric bicycle.

SECTION 2. IC 9-13-2-26.5, AS AMENDED BY P.L.257-2017, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 26.5. "Class B motor driven cycle" means a motor vehicle that:

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(1) has a seat or saddle for the use of the rider;
(2) is designed to travel on not more than three (3) wheels in
contact with the ground;
(3) complies with applicable motor vehicle equipment
requirements under IC 9-19 and 49 CFR 571;
(4) has a cylinder capacity not exceeding fifty (50) cubic
centimeters; and
(5) is registered as a Class B motor driven cycle under IC 9-18
(before its expiration) or IC 9-18.1.

The term does not include an electric personal assistive mobility device
or an electric bicycle.

SECTION 3. IC 9-13-2-26.6 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2019]: Sec. 26.6. "Class 1 electric bicycle" means an electric
bicycle equipped with an electric motor that:
(1) provides assistance only when the operator is pedaling; and
(2) ceases to provide assistance to the operator when the
electric bicycle reaches a speed of twenty (20) miles per hour.

SECTION 4. IC 9-13-2-26.7 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2019]: Sec. 26.7. "Class 2 electric bicycle" means an electric
bicycle equipped with an electric motor that:
(1) may be used to exclusively propel the electric bicycle; and
(2) ceases or is unable to provide assistance when the bicycle
reaches a speed of twenty (20) miles per hour.

SECTION 5. IC 9-13-2-26.8 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2019]: Sec. 26.8. "Class 3 electric bicycle" means an electric
bicycle equipped with an electric motor that:
(1) provides assistance only when the operator is pedaling; and
(2) ceases to provide assistance when the bicycle reaches a
speed of twenty-eight (28) miles per hour.

SECTION 6. IC 9-13-2-49.2 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2019]: Sec. 49.2. "Electric bicycle" means any bicycle that:
(1) is equipped with:
   (A) fully operable pedals;
   (B) an assistive, electric motor with a power output not
greater than seven hundred fifty (750) watts; and
(2) meets the requirements of a Class 1, Class 2, or Class 3
electric bicycle.

SECTION 7. IC 9-13-2-104.1, AS ADDED BY P.L.221-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 104.1. "Motor driven cycle" refers to both of the following:
(1) A Class A motor driven cycle.
(2) A Class B motor driven cycle.

The term does not include an electric bicycle.

SECTION 8. IC 9-13-2-105, AS AMENDED BY P.L.198-2016, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, an electric bicycle, or an electric personal assistive mobility device.
(b) "Motor vehicle", for purposes of IC 9-21, means:
(1) a vehicle that is self-propelled; or
(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
(c) "Motor vehicle", for purposes of IC 9-32, includes a semitrailer, trailer, or recreational vehicle.

SECTION 9. IC 9-13-2-108, AS AMENDED BY P.L.82-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 108. "Motorcycle" means a motor vehicle with motive power that:
(1) has a seat or saddle for the use of the rider;
(2) is designed to travel on not more than three (3) wheels in contact with the ground; and
(3) satisfies the operational and equipment specifications described in 49 CFR 571 and IC 9-19.
The term includes an autocycle, but does not include a farm tractor, an electric bicycle, or a motor driven cycle.

SECTION 10. IC 9-21-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated:
(1) A person who drives a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
(2) Except when overtaking and passing on the right is permitted, a person who drives an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and may not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking a bicycle or electric bicycle shall:
   
   (A) allow at least three (3) feet of clearance between the vehicle and the bicycle; and
   
   (B) not return the vehicle to the vehicle's original lane of travel until the vehicle is safely clear of the bicycle.

(4) The operator of a vehicle may pass a bicycle or electric bicycle traveling in the same direction in a no passing zone when it is safe to do so, if the operator of the overtaking motor vehicle complies with subdivisions (1) and (3).

SECTION 11. IC 9-21-11-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.1. (a) An electric bicycle is not a motor vehicle (as defined in IC 9-13-2-105).

(b) Except as otherwise provided in this section, an operator of an electric bicycle is:

   (1) subject to all of the duties; and
   
   (2) entitled to all of the rights and privileges;

of a bicycle operator.

(c) Except as otherwise provided in this section, an electric bicycle shall be regulated as a bicycle.

(d) The operator of an electric bicycle is not subject to:

   (1) IC 9-24 (drivers licenses); or
   
   (2) IC 9-25 (financial responsibility).

(e) An electric bicycle is not subject to:

   (1) IC 9-17 (certificates of title);
   
   (2) IC 9-18.1 (motor vehicle registration); or
   
   (3) IC 14-16-1 (off-road vehicles).

(f) On and after January 1, 2020, a manufacturer or distributor of an electric bicycle shall affix a permanent and conspicuous label to each electric bicycle. Each label described under this subsection shall prominently display the following information:

   (1) The class level of the electric bicycle.
   
   (2) The top assisted speed of the electric bicycle.
   
   (3) The rated wattage of the electric bicycle's electric motor.

(g) If a modification to an electric bicycle results in any alteration to the:
(1) top assisted speed of the electric bicycle; or
(2) engagement of the electric bicycle's electric motor;
the label described in subsection (f) shall be replaced with a
subsequent label that accurately reflects the class level, top assisted
speed, and rated wattage of the modified electric bicycle.

(h) All electric bicycles shall comply with the bicycle equipment
and manufacturing requirements adopted by the United States

(i) All electric bicycles shall be equipped with an electric motor
that disengages or ceases to provide assistance when the operator:
(1) stops pedaling; or
(2) applies brakes.

(j) Subject to subsection (k), and except as provided in
subsection (l), an electric bicycle may be operated wherever
bicycles are permitted to travel.

(k) The lawful operation of an electric bicycle is subject to the
following provisions:
(1) Unless otherwise specified by a statute, rule, or local
ordinance, a Class 1 or Class 2 electric bicycle may be
operated on any bicycle path or multipurpose path where
bicycles are permitted.
(2) A Class 3 electric bicycle may not be operated on a bicycle
path or multipurpose path unless one (1) or more of the
following conditions apply:
   (A) The bicycle path or multipurpose path is within or
   adjacent to a highway or roadway.
   (B) A local authority or state agency with jurisdiction over
   the trail, bicycle path, or multipurpose path authorizes the
   use of a Class 3 bicycle on the trail, bicycle path, or
   multipurpose path.
(3) A person less than fifteen (15) years of age may not
operate a Class 3 electric bicycle.
(4) A person less than fifteen (15) years of age may ride as a
passenger on a Class 3 electric bicycle if the Class 3 electric
bicycle is designed to accommodate a passenger.
(5) A properly fitted and fastened bicycle helmet that meets
the most recent and applicable standards issued by the United
States Consumer Product Safety Commission or the
American Society for Testing and Materials must be worn by
any person who operates or rides as a passenger on a Class 3
electric bicycle and is less than eighteen (18) years of age.

(l) Subsection (k) shall not apply to a path or trail designated as
nonmotorized if the following conditions are met:

(1) The bicycle path or trail has a natural surface tread.
(2) The bicycle path or trail was made by clearing and grading the native soil.
(3) No surfacing materials have been added to the bicycle path or trail.

A local authority or state agency may regulate the use of electric bicycles or any class of electric bicycle on a bicycle path or trail described under this subsection.

SECTION 12. IC 14-8-2-185, AS AMENDED BY P.L.256-2017, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 185. (a) "Off-road vehicle", for purposes of IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable of cross-country travel:

(1) without benefit of a road; and
(2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

(1) A multiwheel drive or low pressure tire vehicle.
(2) An amphibious machine.
(3) A ground effect air cushion vehicle.
(4) An all-terrain vehicle (as defined in section 5.7 of this chapter).
(5) A recreational off-highway vehicle (as defined in section 233.5 of this chapter).
(6) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

(1) A farm vehicle being used for farming, including, but not limited to, a farm wagon (as defined in IC 9-13-2-60(2)).
(2) A vehicle used for military or law enforcement purposes.
(3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function, including, but not limited to, a farm wagon (as defined in IC 9-13-2-60(2)).
(4) A snowmobile (as defined by section 261 of this chapter).
(5) A registered aircraft.
(6) Any other vehicle properly registered by the bureau of motor vehicles.
(7) Any watercraft that is registered under Indiana statutes.
(8) A golf cart vehicle.
(9) An electric bicycle (as defined in IC 9-13-2-49.2).
Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1236, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 9. IC 9-21-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated:

(1) A person who drives a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, a person who drives an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and may not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking a bicycle or electric bicycle shall:

(A) allow at least three (3) feet of clearance between the vehicle and the bicycle; and

(B) not return the vehicle to the vehicle's original lane of travel until the vehicle is safely clear of the bicycle.

(4) The operator of a vehicle may pass a bicycle or electric bicycle traveling in the same direction in a no passing zone when it is safe to do so, if the operator of the overtaking motor vehicle complies with subdivisions (1) and (3)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1236 as introduced.)

SULLIVAN

Committee Vote: yeas 12, nays 0.