

# SENATE BILL No. 553

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21; IC 35-42-2-2.5.

**Synopsis:** Bicycles and traffic safety. Makes various changes concerning bicycle operation and traffic laws. Requires a bicyclist under 18 years of age to wear protective headgear. Requires a bicyclist to carry personal identification. Deletes language: (1) prohibiting a bicyclist from carrying packages; and (2) requiring a bicycle to be equipped with a bell or other audible signal device. Provides that the failure to comply with certain equipment and identification requirements (requirements) of a bicyclist does not constitute fault, does not limit the liability of an insurer, and that evidence of the failure to comply with the requirements may not be admitted in a civil action to mitigate damages. Provides that a person who causes bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of certain traffic infractions commits a Class C misdemeanor, or a Class B misdemeanor if the operation causes serious bodily injury. Makes a technical correction.

**Effective:** July 1, 2009.

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### Broden

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January 15, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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# SENATE BILL No. 553



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 9-13-2-14 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. "Bicycle" means a  
3 ~~any foot-propelled~~ vehicle:

- 4 (1) **propelled solely by human powered foot crank or hand**
- 5 **crank;**
- 6 (2) **operated by one (1) or more individuals; and**
- 7 (3) **having two (2) or more** irrespective of the number of wheels.
- 8 ~~in contact with the ground.~~

9 **The term does not include a child's ride-on toy or skateboard.**

10 SECTION 2. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2009]: Sec. 14.5. "Bicycle lane" means a **part of a roadway or a**  
13 **paved path separated from the roadway that has been designated**  
14 **for the preferential or exclusive use of bicyclists by any of the**  
15 **following means or any combination of the following means:**

- 16 (1) **Striping.**
- 17 (2) **Pavement markings.**



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**(3) Signage.**  
SECTION 3. IC 9-21-11-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.3. Notwithstanding IC 9-13-2-196(c), a person riding a bicycle upon a roadway has all the rights and duties under this article that are applicable to a person who operates a vehicle, except the following:**

- (1) Special regulations of this article.**
- (2) Those provisions of this article that by their nature have no application.**

SECTION 4. IC 9-21-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7. (a)** Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively, one (1) at a time or in combination, only the colors green, red, or yellow may be used, except for special pedestrian signals under IC 9-21-18.

**(b)** The lights indicate and apply to drivers of vehicles and pedestrians as follows:

- (1) Green indication means the following:
  - (A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at the place prohibits either turn.
  - (B) Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent sidewalk at the time the signal is exhibited.
  - (C) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the green arrow or other movement permitted by other indications shown at the same time.
  - (D) Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - (E) Unless otherwise directed by a pedestrian control signal, pedestrians facing a green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within a marked or unmarked crosswalk.
- (2) Steady yellow indication means the following:
  - (A) Vehicular traffic facing a steady circular yellow or yellow arrow signal is warned that the related green movement is being terminated and that a red indication will be exhibited

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immediately thereafter.

(B) A pedestrian facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal, is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway at that time.

(3) Steady red indication means the following:

(A) Except as provided in ~~clause~~ **clauses (B) and (D)**, vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line. However, if there is no clearly marked stop line, vehicular traffic shall stop before entering the crosswalk on the near side of the intersection. If there is no crosswalk, vehicular traffic shall stop before entering the intersection and shall remain standing until an indication to proceed is shown.

(B) Except when a sign is in place prohibiting a turn described in this subdivision, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to do the following:

(i) Make a right turn.

(ii) Make a left turn if turning from the left lane of a one-way street into another one-way street with the flow of traffic.

Vehicular traffic making a turn described in this subdivision shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(C) Unless otherwise directed by a pedestrian control signal pedestrians facing a steady circular red signal alone may not enter the roadway.

**(D) If a bicycle cannot activate a traffic control sensor within a reasonable period of time, the person riding the bicycle may:**

**(i) treat the steady red light as if it were a flashing red light; and**

**(ii) enter the intersection cautiously and proceed through the intersection.**

(4) No indication or conflicting indications means the following:

(A) Vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is present, shall stop before entering the intersection.

(B) After stopping, vehicular traffic may proceed with caution

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1 through the intersection and shall yield the right-of-way to  
2 traffic within the intersection or approaching so closely as to  
3 constitute an immediate hazard.

4 (5) This section applies to traffic control signals located at a place  
5 other than an intersection. A stop required under this subdivision  
6 must be made at the signal, except when the signal is  
7 supplemented by a sign or pavement marking indicating where  
8 the stop must be made.

9 SECTION 5. IC 9-21-3-11 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) Except as**  
11 **provided in subsections (b) and (c), a person who violates section 7,**  
12 **8, 9, or 10 of this chapter commits a Class C infraction.**

13 **(b) A person who causes bodily injury to a person riding a**  
14 **bicycle while knowingly, intentionally, or recklessly operating a**  
15 **motor vehicle in the commission of a violation of section 7, 8, 9, or**  
16 **10 of this chapter commits a Class C misdemeanor.**

17 **(c) A person who causes serious bodily injury to a person riding**  
18 **a bicycle while knowingly, intentionally, or recklessly operating a**  
19 **motor vehicle in the commission of a violation of section 7, 8, 9, or**  
20 **10 of this chapter commits a Class B misdemeanor.**

21 SECTION 6. IC 9-21-4-19 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. **(a) Except as**  
23 **provided in subsections (b) and (c), a person who violates section 4,**  
24 **5, 6, 16, 17, or 18 of this chapter commits a Class C infraction.**

25 **(b) A person who causes bodily injury to a person riding a**  
26 **bicycle while knowingly, intentionally, or recklessly operating a**  
27 **motor vehicle in the commission of a violation of section 16 or 18**  
28 **of this chapter commits a Class C misdemeanor.**

29 **(c) A person who causes serious bodily injury to a person riding**  
30 **a bicycle while knowingly, intentionally, or recklessly operating a**  
31 **motor vehicle in the commission of a violation of section 16 or 18**  
32 **of this chapter commits a Class B misdemeanor.**

33 SECTION 7. IC 9-21-8-5 IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2009]: Sec. 5. The following rules govern the  
35 overtaking and passing of vehicles proceeding in the same direction,  
36 subject to the limitations, exceptions, and special rules stated:

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

41 (2) Except when overtaking and passing on the right is permitted,  
42 a person who drives an overtaken vehicle shall give way to the

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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 vehicle overtaking a bicycle shall:**
- 5 **(A) allow at least three (3) feet of clearance between the**
- 6 **vehicle and the bicycle; and**
- 7 **(B) not return to the original lane until the vehicle is safely**
- 8 **clear of the bicycle.**

9 SECTION 8. IC 9-21-8-28 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. **(a) Except as**  
11 **provided in subsection (b),** all signals required under this chapter may  
12 be given by hand and arm. A signal given under this section shall be  
13 given from the left side of the vehicle in the following manner:

- 14 (1) A left turn is indicated by extending the hand and arm
- 15 horizontally.
- 16 (2) A right turn is indicated by extending the hand and arm
- 17 upward.
- 18 (3) A stop or decreased speed is indicated by extending the hand
- 19 and arm downward.

- 20 **(b) A person riding a bicycle upon a roadway shall indicate:**
- 21 **(1) a right turn by extending the left arm upward or the right**
- 22 **arm horizontally to the right;**
- 23 **(2) a left turn by extending the left arm horizontally;**
- 24 **(3) stopping or decreasing speed by extending the left arm or**
- 25 **the right arm downward; and**
- 26 **(4) a left turn or right lane change by extending the left arm**
- 27 **or right arm to the left or right respectively.**

28 **However, a person riding a bicycle is not required to indicate the**  
29 **signals in this subsection continuously if the hand or arm is needed**  
30 **to control the bicycle.**

31 SECTION 9. IC 9-21-8-37 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37. Notwithstanding  
33 other provisions of this article or a local ordinance, a person who drives  
34 a vehicle shall do the following:

- 35 (1) Exercise due care to avoid colliding with a pedestrian or a
- 36 person ~~propelling a human powered vehicle, riding a bicycle,~~
- 37 giving an audible signal when necessary.
- 38 (2) Exercise proper caution upon observing a child or an
- 39 obviously confused, incapacitated, or intoxicated person.

40 SECTION 10. IC 9-21-8-37.5 IS ADDED TO THE INDIANA  
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2009]: **Sec. 37.5. Whenever a bicycle lane**

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exists, the following apply:

(1) The operator of a vehicle shall not block the bicycle lane to bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the bicycle lane.

(2) A person riding a bicycle is required to ride in the bicycle lane except when necessary to:

- (A) pass another person riding a bicycle;
- (B) avoid an obstruction in the bicycle lane;
- (C) position the bicycle in order to make a left turn; or
- (D) ride on a sidewalk in conformance with a local ordinance.

A person riding a bicycle may ride on a roadway if no bicycle lane exists.

SECTION 11. IC 9-21-8-49, AS AMENDED BY P.L.40-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 49. (a) Except as provided in sections 50, 51, 52, 54, 55, and 56 of this chapter and subsection (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) A person who causes bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of this chapter other than a violation of section 50, 51, 52, 54, 55, or 56 of this chapter commits a Class C misdemeanor.

(c) A person who causes serious bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of this chapter other than a violation of section 50, 51, 52, 54, 55, or 56 of this chapter commits a Class B misdemeanor.

SECTION 12. IC 9-21-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The parent of a minor child and the guardian of a protected person may not authorize or knowingly permit the minor child or protected person to violate this chapter.

(b) Subject to the exceptions stated, the provisions of this chapter applicable to bicycles apply whenever a bicycle is operated upon a highway or a path set aside for the exclusive use of bicycles.

SECTION 13. IC 9-21-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. This chapter is applicable to a person riding a bicycle upon a roadway has all the rights and duties under this article that are applicable to a person who drives a vehicle; except the following:

- (1) Special regulations of this article:

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1           (2) Those provisions of this article that by their nature have no  
 2           application:  
 3           **highway or a path set aside for the exclusive use or preferential use**  
 4           **of bicycles, subject to the exceptions stated in this chapter.**  
 5           SECTION 14. IC 9-21-11-3 IS AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A person  
 7           propelling a bicycle may not:  
 8           (1) ride other than upon the permanent and regular seat attached  
 9           to the bicycle; or  
 10           (2) carry any other person upon the bicycle who is not seated  
 11           upon a firmly attached and regular seat on the bicycle.  
 12           (b) ~~A person may not ride upon a bicycle unless seated under this~~  
 13           ~~section.~~  
 14           SECTION 15. IC 9-21-11-5 IS AMENDED TO READ AS  
 15           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. A person upon a  
 16           bicycle ~~a coaster, roller skates,~~ or a toy vehicle may not attach the  
 17           bicycle ~~coaster, roller skates,~~ or toy vehicle or the person to a ~~street car~~  
 18           ~~or vehicle upon a roadway.~~  
 19           SECTION 16. IC 9-21-11-6 IS AMENDED TO READ AS  
 20           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A person riding a  
 21           bicycle upon a roadway may not ride more than two (2) abreast except  
 22           on ~~paths or parts of roadways set aside for the exclusive use of~~  
 23           ~~bicycles: a bicycle lane.~~  
 24           SECTION 17. IC 9-21-11-6.5 IS ADDED TO THE INDIANA  
 25           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26           [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. Whenever a bicycle lane**  
 27           **exists, a person riding a bicycle must ride in conformance with**  
 28           **IC 9-21-8-37.5(1) and IC 9-21-8-37.5(2).**  
 29           SECTION 18. IC 9-21-11-7 IS AMENDED TO READ AS  
 30           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. A person ~~who rides~~  
 31           a bicycle may not ~~carry a package, a bundle, or an article that prevents~~  
 32           **ride a bicycle on a roadway or a bicycle lane without bearing**  
 33           **identification which, at a minimum, states the person's name and**  
 34           **address. The identification may be on the person, from keeping both**  
 35           ~~hands upon the handlebars: on the bicycle, or in the gear carried~~  
 36           **upon the bicycle or the person.**  
 37           SECTION 19. IC 9-21-11-8 IS AMENDED TO READ AS  
 38           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. A person ~~less than~~  
 39           **eighteen (18) years of age** may not ~~operate or~~ ride a bicycle unless  
 40           the bicycle is equipped with a bell ~~or other device capable of giving a~~  
 41           signal audible for a distance of at least one hundred ~~(100)~~ feet. A  
 42           bicycle may not be equipped with ~~and~~ a person may not use upon a

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1 bicycle a siren or whistle. wears protective headgear meeting the  
2 minimum standards set by the United States Consumer Product  
3 Safety Commission under 16 CFR part 1203.

4 SECTION 20. IC 9-21-11-9 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. A bicycle operated  
6 on a highway in motion or the rider of a bicycle in motion from  
7 one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise  
8 must be equipped with the following:

9 (1) A lamp on the front exhibiting a white light visible from a  
10 distance of at least five hundred (500) feet to the front.

11 (2) A lamp on the rear exhibiting a red light visible from a  
12 distance of five hundred (500) feet to the rear. or a red reflector  
13 visible from a distance of five hundred (500) feet to the rear.

14 (3) Reflectors or reflective material visible from the side.  
15 The lamps required under subdivisions (1) and (2) may be either  
16 steady or flashing.

17 SECTION 21. IC 9-21-11-10 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. A bicycle must be  
19 equipped with a functional mechanical or hydraulic brake. that will  
20 enable the person who operates the bicycle to make the braked wheels  
21 skid on dry, level, clean pavement.

22 SECTION 22. IC 9-21-11-10.5 IS ADDED TO THE INDIANA  
23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2009]: Sec. 10.5. (a) Failure to comply with  
25 section 7, 8, 9, or 10 of this chapter does not constitute fault under  
26 IC 34-51-2 and does not limit the liability of an insurer.

27 (b) Evidence of the failure to comply with section 7, 8, 9, or 10  
28 of this chapter may not be admitted in a civil action to mitigate  
29 damages.

30 SECTION 23. IC 9-21-17-1 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Pedestrians are  
32 subject to traffic and pedestrian control signals under this chapter.

33 (b) At all places that are not marked with pedestrian control signals,  
34 pedestrians are accorded the privileges and subject to the restrictions  
35 of this article.

36 (c) A person who rides a bicycle on a sidewalk or a bicycle lane  
37 or in a crosswalk is subject to the rights, responsibilities, and  
38 privileges of a pedestrian under this chapter. However, the person  
39 who rides a bicycle must yield the right-of-way to pedestrians.

40 SECTION 24. IC 35-42-2-2.5 IS ADDED TO THE INDIANA  
41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2009]: Sec. 2.5 (a) A person who recklessly,

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1 **knowingly, or intentionally:**  
2 **(1) throws an object at or in the direction of, with the intent**  
3 **to harm; or**  
4 **(2) impedes;**  
5 **an individual riding a bicycle commits harassment of a bicyclist.**  
6 **(b) Except as provided in subsection (c), harassment of a**  
7 **bicyclist is a Class B misdemeanor.**  
8 **(c) Harassment of a bicyclist is a Class A misdemeanor if the**  
9 **conduct includes the use of a vehicle.**

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