
SENATE BILL No. 361

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21.

Synopsis: Bicycles and traffic safety. Makes various changes concerning bicycle operation and traffic laws. Deletes language requiring a bicycle to be equipped with a bell or other audible signal device. 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, 2010.

Broden

January 12, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 361



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, 2010]: Sec. 14. "Bicycle" means
3 any ~~foot-propelled~~ a vehicle: ~~irrespective of the number of~~
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 wheels. in contact with the ground.**
8 **The term does not include a child's ride-on toy or skateboard.**
9 SECTION 2. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2010]: **Sec. 14.5. "Bicycle lane" means a part of a roadway that**
12 **is designated by signs and pavement markings for preferential or**
13 **exclusive use by bicyclists.**
14 SECTION 3. IC 9-21-3-7 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Whenever traffic is controlled
16 by traffic control signals exhibiting different colored lights or colored
17 lighted arrows successively, one (1) at a time or in combination, only



1 the colors green, red, or yellow may be used, except for special
2 pedestrian signals under IC 9-21-18.

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

5 (1) Green indication means the following:

6 (A) Vehicular traffic facing a circular green signal may
7 proceed straight through or turn right or left, unless a sign at
8 the place prohibits either turn.

9 (B) Vehicular traffic, including vehicles turning right or left,
10 shall yield the right-of-way to other vehicles and to pedestrians
11 lawfully within the intersection or an adjacent sidewalk at the
12 time the signal is exhibited.

13 (C) Vehicular traffic facing a green arrow signal, shown alone
14 or in combination with another indication, may cautiously
15 enter the intersection only to make the movement indicated by
16 the green arrow or other movement permitted by other
17 indications shown at the same time.

18 (D) Vehicular traffic shall yield the right-of-way to pedestrians
19 lawfully within an adjacent crosswalk and to other traffic
20 lawfully using the intersection.

21 (E) Unless otherwise directed by a pedestrian control signal,
22 pedestrians facing a green signal, except when the sole green
23 signal is a turn arrow, may proceed across the roadway within
24 a marked or unmarked crosswalk.

25 (2) Steady yellow indication means the following:

26 (A) Vehicular traffic facing a steady circular yellow or yellow
27 arrow signal is warned that the related green movement is
28 being terminated and that a red indication will be exhibited
29 immediately thereafter.

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

35 (3) Steady red indication means the following:

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

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

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

SECTION 4. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. **(a) Except as provided in subsections (b) and (c), a person who violates section 7, 8, 9, or 10 of 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

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1 **motor vehicle in the commission of a violation of section 7, 8, 9, or**
2 **10 of this chapter commits a Class C misdemeanor.**

3 **(c) A person who causes serious bodily injury to a person riding**
4 **a bicycle while knowingly, intentionally, or recklessly operating a**
5 **motor vehicle in the commission of a violation of section 7, 8, 9, or**
6 **10 of this chapter commits a Class B misdemeanor.**

7 SECTION 5. IC 9-21-4-19 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. **(a) Except as**
9 **provided in subsections (b) and (c), a person who violates section 4,**
10 **5, 6, 16, 17, or 18 of this chapter commits a Class C infraction.**

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

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

19 SECTION 6. IC 9-21-8-5 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2010]: Sec. 5. The following rules govern the
21 overtaking and passing of vehicles proceeding in the same direction,
22 subject to the limitations, exceptions, and special rules stated:

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

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

32 **(3) A person who drives a vehicle overtaking a bicycle shall:**

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

35 **(B) not return to the original lane until the vehicle is safely**
36 **clear of the bicycle.**

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

41 SECTION 7. IC 9-21-8-20 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 20. The Indiana

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1 department of transportation may by resolution or order entered in its
2 minutes, and local authorities may by ordinance, with respect to any
3 freeway or interstate highway system under their respective
4 jurisdictions, prohibit the use of a highway by pedestrians ~~bicycles~~, or
5 other nonmotorized traffic or by a person operating a motor-driven
6 cycle. **A local authority may, by ordinance, with respect to a
7 freeway under the jurisdiction of the local authority, prohibit the
8 use of bicycles on the freeway.** The Indiana department of
9 transportation or the local authority adopting a prohibiting regulation
10 shall erect and maintain official signs on the freeway or interstate
11 highway system on which the regulations are applicable. If signs are
12 erected, a person may not disobey the restrictions stated on the signs.

13 **IC 9-21-11-6(b) applies to bicycles on interstate highways.**

14 SECTION 8. IC 9-21-8-28 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 28. **(a) Except as
16 provided in subsection (b),** all signals required under this chapter may
17 be given by hand and arm. A signal given under this section shall be
18 given ~~from the left side of the vehicle~~ in the following manner:

- 19 (1) A left turn is indicated by extending the hand and arm
20 horizontally.
- 21 (2) A right turn is indicated by extending the hand and arm
22 upward.
- 23 (3) A stop or decreased speed is indicated by extending the hand
24 and arm downward.

25 **(b) A person riding a bicycle upon a roadway shall indicate:**

- 26 **(1) a right turn by extending the left arm upward or the right
27 arm horizontally to the right;**
- 28 **(2) a left turn by extending the left arm horizontally to the
29 left;**
- 30 **(3) stopping or decreasing speed by extending the left arm or
31 the right arm downward; and**
- 32 **(4) a left turn or right lane change by extending the left arm
33 or right arm to the left or right respectively.**

34 SECTION 9. IC 9-21-8-37 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 37. Notwithstanding
36 other provisions of this article or a local ordinance, a person who drives
37 a vehicle shall do the following:

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

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1 SECTION 10. IC 9-21-8-37.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: **Sec. 37.5. Where a bicycle lane exists,**
4 **the following apply:**

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

8 (2) **A person riding a bicycle shall ride in the bicycle lane**
9 **except when:**

10 (A) **passing another person riding a bicycle;**

11 (B) **avoiding an obstruction in the bicycle lane;**

12 (C) **positioning the bicycle in order to make a turn; or**

13 (D) **the bicycle lane is unsafe.**

14 SECTION 11. IC 9-21-8-49, AS AMENDED BY P.L.40-2007,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2010]: Sec. 49. (a) Except as provided in sections 50, 51, 52,
17 54, 55, and 56 of this chapter **and subsections (b) and (c),** a person
18 who violates this chapter commits a Class C infraction.

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

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

29 SECTION 12. IC 9-21-11-1 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (~~a~~) The parent of a
31 **minor** child and the guardian of a protected person may not authorize
32 or knowingly permit the **minor** child or protected person to violate this
33 chapter.

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

37 SECTION 13. IC 9-21-11-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. **This chapter**
39 **applies to** a person riding a bicycle upon a roadway **has all the rights**
40 **and duties under this article that are applicable to a person who drives**
41 **a vehicle, except the following:**

42 (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, 2010]: 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 9-21-11-3.3 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2010]: **Sec. 3.3. Notwithstanding**
17 **IC 9-13-2-196(c), a person riding a bicycle upon a roadway has all**
18 **the rights and duties under this article that are applicable to a**
19 **person who operates a vehicle, except the following:**

20 (1) **Special regulations of this article.**

21 (2) **The provisions of this article that by their nature have no**
22 **application.**

23 SECTION 16. IC 9-21-11-5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. A person upon a
25 bicycle ~~a coaster, roller skates,~~ or a toy vehicle may not attach the
26 bicycle ~~coaster, roller skates,~~ or toy vehicle or the person to a ~~street car~~
27 ~~or~~ vehicle upon a roadway.

28 SECTION 17. IC 9-21-11-6 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. **(a)** A person riding
30 a bicycle upon a roadway may not ride more than two (2) abreast
31 except on ~~paths or parts of roadways set aside for the exclusive use of~~
32 ~~bicycles:~~ **a bicycle lane.**

33 **(b) A person may not ride a bicycle upon an interstate highway.**

34 **(c) A person may ride a bicycle upon a federal highway or a**
35 **state highway (as designated in accordance with IC 8-23-4-2(a))**
36 **only in single file.**

37 SECTION 18. IC 9-21-11-6.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2010]: **Sec. 6.5. Where a bicycle lane exists,**
40 **a person riding a bicycle shall ride in conformance with**
41 **IC 9-21-8-37.5(1) and IC 9-21-8-37.5(2).**

42 SECTION 19. IC 9-21-11-9 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. A bicycle ~~operated~~
2 ~~on a highway in motion or the rider of a bicycle in motion~~ from
3 ~~one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise~~
4 must be equipped with the following:

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

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

10 **(3) Reflectors or reflective material visible from the side.**
11 **The lamps under subdivisions (1) and (2) may be either steady or**
12 **flashing.**

13 SECTION 20. IC 9-21-11-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. A bicycle must be
15 equipped with a **functional mechanical or hydraulic** brake. ~~that will~~
16 ~~enable the person who operates the bicycle to make the braked wheels~~
17 ~~skid on dry, level, clean pavement.~~

18 SECTION 21. IC 9-21-17-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Pedestrians are
20 subject to traffic and pedestrian control signals under this chapter.

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

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

28 SECTION 22. IC 9-21-11-8 IS REPEALED [EFFECTIVE JULY 1,
29 2010].

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