



March 13, 2019

ENGROSSED HOUSE BILL No. 1236

DIGEST OF HB 1236 (Updated March 12, 2019 11:23 am - DI 132)

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.
(Continued next page)

Effective: July 1, 2019.

**Soliday, Macer,
Candelaria Reardon, Heaton**

(SENATE SPONSOR — CRIDER)

January 10, 2019, read first time and referred to Committee on Roads and Transportation.

January 31, 2019, amended, reported — Do Pass.

February 4, 2019, read second time, ordered engrossed.

February 5, 2019, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Homeland Security and Transportation.

March 12, 2019, amended, reported favorably — Do Pass.

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Digest Continued

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 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.



March 13, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED 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:

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

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

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

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

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

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

12 SECTION 3. IC 9-13-2-26.6 IS ADDED TO THE INDIANA CODE
 13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2019]: **Sec. 26.6. "Class 1 electric bicycle" means an electric**
 15 **bicycle equipped with an electric motor that:**

- 16 (1) **provides assistance only when the operator is pedaling;**
 17 **and**
 18 (2) **ceases to provide assistance to the operator when the**
 19 **electric bicycle reaches a speed of twenty (20) miles per hour.**

20 SECTION 4. IC 9-13-2-26.7 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2019]: **Sec. 26.7. "Class 2 electric bicycle" means an electric**
 23 **bicycle equipped with an electric motor that:**

- 24 (1) **may be used to exclusively propel the electric bicycle; and**
 25 (2) **ceases or is unable to provide assistance when the bicycle**
 26 **reaches a speed of twenty (20) miles per hour.**

27 SECTION 5. IC 9-13-2-26.8 IS ADDED TO THE INDIANA CODE
 28 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2019]: **Sec. 26.8. "Class 3 electric bicycle" means an electric**
 30 **bicycle equipped with an electric motor that:**

- 31 (1) **provides assistance only when the operator is pedaling;**
 32 **and**
 33 (2) **ceases to provide assistance when the bicycle reaches a**
 34 **speed of twenty-eight (28) miles per hour.**

35 SECTION 6. IC 9-13-2-49.2 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2019]: **Sec. 49.2. "Electric bicycle" means any bicycle that:**

- 38 (1) **is equipped with:**
 39 (A) **fully operable pedals;**
 40 (B) **an assistive, electric motor with a power output not**
 41 **greater than seven hundred fifty (750) watts; and**
 42 (2) **meets the requirements of a Class 1, Class 2, or Class 3**



1 **electric bicycle.**

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

6 (1) A Class A motor driven cycle.

7 (2) A Class B motor driven cycle.

8 **The term does not include an electric bicycle.**

9 SECTION 8. IC 9-13-2-105, AS AMENDED BY P.L.198-2016,
10 SECTION 133, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: Sec. 105. (a) "Motor vehicle" means,
12 except as otherwise provided in this section, a vehicle that is
13 self-propelled. The term does not include a farm tractor, an implement
14 of agriculture designed to be operated primarily in a farm field or on
15 farm premises, **an electric bicycle**, or an electric personal assistive
16 mobility device.

17 (b) "Motor vehicle", for purposes of IC 9-21, means:

18 (1) a vehicle that is self-propelled; or

19 (2) a vehicle that is propelled by electric power obtained from
20 overhead trolley wires, but not operated upon rails.

21 (c) "Motor vehicle", for purposes of IC 9-32, includes a semitrailer,
22 trailer, or recreational vehicle.

23 SECTION 9. IC 9-13-2-108, AS AMENDED BY P.L.82-2015,
24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2019]: Sec. 108. "Motorcycle" means a motor vehicle with
26 motive power that:

27 (1) has a seat or saddle for the use of the rider;

28 (2) is designed to travel on not more than three (3) wheels in
29 contact with the ground; and

30 (3) satisfies the operational and equipment specifications
31 described in 49 CFR 571 and IC 9-19.

32 The term includes an autocycle, but does not include a farm tractor, **an**
33 **electric bicycle**, or a motor driven cycle.

34 SECTION 10. IC 9-21-8-5 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The following rules
36 govern the overtaking and passing of vehicles proceeding in the same
37 direction, subject to the limitations, exceptions, and special rules
38 stated:

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



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

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

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

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

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

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

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

22 (1) subject to all of the duties; and

23 (2) entitled to all of the rights and privileges;

24 **of a bicycle operator.**

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

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

28 (1) IC 9-24 (driver's licenses); or

29 (2) IC 9-25 (financial responsibility).

30 **(e) An electric bicycle is not subject to:**

31 (1) IC 9-17 (certificates of title);

32 (2) IC 9-18.1 (motor vehicle registration); or

33 (3) IC 14-16-1 (off-road vehicles).

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

38 (1) The class level of the electric bicycle.

39 (2) The top assisted speed of the electric bicycle.

40 (3) The rated wattage of the electric bicycle's electric motor.

41 **(g) If a modification to an electric bicycle results in any
 42 alteration to the:**



- 1 (1) top assisted speed of the electric bicycle; or
 2 (2) engagement of the electric bicycle's electric motor;
 3 the label described in subsection (f) shall be replaced with a
 4 subsequent label that accurately reflects the class level, top assisted
 5 speed, and rated wattage of the modified electric bicycle.
 6 (h) All electric bicycles shall comply with the bicycle equipment
 7 and manufacturing requirements adopted by the United States
 8 Consumer Product Safety Commission (16 CFR 1512).
 9 (i) All electric bicycles shall be equipped with an electric motor
 10 that disengages or ceases to provide assistance when the operator:
 11 (1) stops pedaling; or
 12 (2) applies brakes.
 13 (j) Subject to subsection (k), and except as provided in
 14 subsection (l), an electric bicycle may be operated wherever
 15 bicycles are permitted to travel.
 16 (k) The lawful operation of an electric bicycle is subject to the
 17 following provisions:
 18 (1) Unless otherwise specified by a statute, rule, or local
 19 ordinance, a Class 1 or Class 2 electric bicycle may be
 20 operated on any bicycle path or multipurpose path where
 21 bicycles are permitted.
 22 (2) A Class 3 electric bicycle may not be operated on a bicycle
 23 path or multipurpose path unless one (1) or more of the
 24 following conditions apply:
 25 (A) The bicycle path or multipurpose path is within or
 26 adjacent to a highway or roadway.
 27 (B) A local authority or state agency with jurisdiction over
 28 the bicycle path or multipurpose path authorizes the use of
 29 a Class 3 bicycle on the bicycle path or multipurpose path.
 30 (3) A person less than fifteen (15) years of age may not
 31 operate a Class 3 electric bicycle.
 32 (4) A person less than fifteen (15) years of age may ride as a
 33 passenger on a Class 3 electric bicycle if the Class 3 electric
 34 bicycle is designed to accommodate a passenger.
 35 (5) A properly fitted and fastened bicycle helmet that meets
 36 the most recent and applicable standards issued by the United
 37 States Consumer Product Safety Commission or the
 38 American Society for Testing and Materials must be worn by
 39 any person who operates or rides as a passenger on a Class 3
 40 electric bicycle and is less than eighteen (18) years of age.
 41 (l) Subsection (k) shall not apply to a path or trail designated as
 42 nonmotorized if the following conditions are met:



- 1 **(1) The bicycle path or trail has a natural surface tread.**
 2 **(2) The bicycle path or trail was made by clearing and**
 3 **grading the native soil.**
 4 **(3) No surfacing materials have been added to the bicycle path**
 5 **or trail.**
 6 **A local authority or state agency may regulate the use of electric**
 7 **bicycles or any class of electric bicycle on a bicycle path or trail**
 8 **described under this subsection.**
 9 SECTION 12. IC 14-8-2-185, AS AMENDED BY P.L.256-2017,
 10 SECTION 183, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2019]: Sec. 185. (a) "Off-road vehicle", for
 12 purposes of IC 14-16-1 and IC 14-19-1-0.5, means a motor driven
 13 vehicle capable of cross-country travel:
 14 (1) without benefit of a road; and
 15 (2) on or immediately over land, water, snow, ice, marsh,
 16 swampland, or other natural terrain.
 17 (b) The term includes the following:
 18 (1) A multiwheel drive or low pressure tire vehicle.
 19 (2) An amphibious machine.
 20 (3) A ground effect air cushion vehicle.
 21 (4) An all-terrain vehicle (as defined in section 5.7 of this
 22 chapter).
 23 (5) A recreational off-highway vehicle (as defined in section
 24 233.5 of this chapter).
 25 (6) Other means of transportation deriving motive power from a
 26 source other than muscle or wind.
 27 (c) The term does not include the following:
 28 (1) A farm vehicle being used for farming, including, but not
 29 limited to, a farm wagon (as defined in IC 9-13-2-60(2)).
 30 (2) A vehicle used for military or law enforcement purposes.
 31 (3) A construction, mining, or other industrial related vehicle used
 32 in performance of the vehicle's common function, including, but
 33 not limited to, a farm wagon (as defined in IC 9-13-2-60(2)).
 34 (4) A snowmobile (as defined by section 261 of this chapter).
 35 (5) A registered aircraft.
 36 (6) Any other vehicle properly registered by the bureau of motor
 37 vehicles.
 38 (7) Any watercraft that is registered under Indiana statutes.
 39 (8) A golf cart vehicle.
 40 **(9) An electric bicycle (as defined in IC 9-13-2-49.2).**



COMMITTEE REPORT

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.

EH 1236—LS 7086/DI 123



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 28, delete "drivers" and insert "**driver's**".

Page 5, line 28, delete "trail, bicycle path," and insert "**bicycle path**".

Page 5, line 29, delete "trail, bicycle path," and insert "**bicycle path**".

and when so amended that said bill do pass.

(Reference is to HB 1236 as printed February 1, 2019.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.

