

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.

## HOUSE ENROLLED ACT No. 1649

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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 9-13-2-49.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 49.4. "Electric foot scooter" means a device:**

- (1) weighing not more than one hundred (100) pounds;**
- (2) designed to travel on not more than three (3) wheels in contact with the ground;**
- (3) with handlebars and a floorboard that the rider uses to stand on the device during operation; and**
- (4) powered by an electric motor that is capable of powering the device with or without human propulsion at a speed not more than twenty (20) miles per hour on a paved level surface.**

**The term does not include a motor driven cycle, motor vehicle, or motorcycle.**

SECTION 2. 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 foot scooter, or an electric personal assistive mobility device.**

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(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.

**The term does not include an electric foot scooter.**

(c) "Motor vehicle", for purposes of IC 9-32, includes a semitrailer, trailer, or recreational vehicle. **The term does not include an electric foot scooter.**

SECTION 3. IC 9-13-2-196, AS AMENDED BY P.L.257-2017, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. The term does not include the following:

- (1) A device moved by human power.
- (2) A device that runs only on rails or tracks.
- (3) A wheelchair.

**(4) An electric foot scooter.**

(b) For purposes of IC 9-17, the term includes the following:

- (1) Off-road vehicles.
- (2) Manufactured homes or mobile homes that are:
  - (A) personal property not held for resale; and
  - (B) not attached to real estate by a permanent foundation.
- (3) Watercraft.

(c) For purposes of IC 9-22 and IC 9-32, the term refers to a vehicle of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-14.

(d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 4. IC 9-21-1-3, AS AMENDED BY P.L.259-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A local authority, with respect to private roads and highways under the authority's jurisdiction, in accordance with sections 2 and 3.3(a) of this chapter, and within the reasonable exercise of the police power, may do the following:

- (1) Regulate the standing or parking of vehicles **and electric foot scooters.**
- (2) Regulate traffic by means of police officers or traffic control signals.
- (3) Regulate or prohibit processions or assemblages on the

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highways.

(4) Designate a highway as a one-way highway and require that all vehicles operated on the highway be moved in one (1) specific direction.

(5) Regulate the speed of vehicles in public parks.

(6) Designate a highway as a through highway and require that all vehicles stop before entering or crossing the highway.

(7) Designate an intersection as a stop intersection and require all vehicles to stop at one (1) or more entrances to the intersection.

(8) Restrict the use of highways as authorized in IC 9-21-4-7.

(9) Regulate the operation of bicycles **and electric foot scooters** and require the registration and licensing of bicycles **and electric foot scooters**, including the requirement of a registration fee.

(10) Regulate or prohibit the turning of vehicles at intersections.

(11) Alter the prima facie speed limits authorized under IC 9-21-5.

(12) Adopt other traffic regulations specifically authorized by this article.

(13) Adopt traffic regulations governing traffic control on public school grounds when requested by the governing body of the school corporations.

(14) Regulate or prohibit the operation of low speed vehicles, golf carts, or off-road vehicles on highways in accordance with section 3.3(a) of this chapter.

(b) An ordinance or regulation adopted under subsection (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), (a)(13), or (a)(14), is effective when signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part of the highway that is affected.

SECTION 5. IC 9-21-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. A local authority may not adopt by ordinance any prohibition against or restriction on the use of an **electric foot scooter or** electric personal assistive mobility device operated on a path set aside for the exclusive use of bicycles as set forth in IC 9-21-11-1(b).

SECTION 6. IC 9-21-9-0.5, AS AMENDED BY P.L.221-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.5. (a) This chapter does not apply to the following:

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

(3) Except as provided in subsection (b), a golf cart or off-road



vehicle.

(4) A motor driven cycle.

**(5) An electric foot scooter.**

(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart or off-road vehicle to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, county, or town.

SECTION 7. IC 9-21-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The parent of a child and the guardian of a protected person may not authorize or knowingly permit the child or protected person to violate this chapter.

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

SECTION 8. IC 9-21-11-13.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13.6. (a) A person operating an electric foot scooter has all the rights and duties under this chapter that are applicable to a person riding a bicycle, except the following:**

**(1) Special regulations of this chapter.**

**(2) Those provisions of this chapter that by their nature have no application, including section 3 of this chapter.**

**(b) An electric foot scooter operated on a highway from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise must be equipped with the following:**

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

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

**(c) An electric foot scooter must be equipped with a brake that will enable the person who operates the electric foot scooter to make the braked wheels skid on dry, level, clean pavement.**

**(d) Except as provided in subsection (e), an electric foot scooter may be parked on a sidewalk in a way that does not impede the**



normal or reasonable movement of pedestrians or vehicle traffic.

(e) A local authority may prohibit the parking of an electric foot scooter on a sidewalk if the local authority provides an adequate alternative parking location in a public right-of-way that is proximate to the prohibited area.

(f) Subject to any ordinance, rule, or regulation adopted by a local authority to the contrary, an electric foot scooter may be operated where a bicycle may be operated.

(g) Notwithstanding any other law or provision, an electric foot scooter may not be operated on an interstate highway.

SECTION 9. IC 9-25-1-7, AS AMENDED BY P.L.198-2016, SECTION 539, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. This article does not apply to:

- (1) off-road vehicles;
- (2) snowmobiles; ~~or~~
- (3) Class B motor driven cycles; ~~or~~
- (4) electric foot scooters.**

SECTION 10. IC 14-19-1-0.5, AS AMENDED BY P.L.221-2014, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

- (1) motor driven, either by gas or electricity;
- (2) used to carry passengers or equipment; and
- (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:
  - (A) passenger motor vehicle (as defined in IC 9-13-2-123);
  - (B) recreational vehicle (as defined in IC 9-13-2-150); or
  - (C) truck (as defined in IC 9-13-2-188).

A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

(b) The term does not include:

- (1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);
- (2) a motorcycle (as defined in IC 9-13-2-108);
- (3) a motor driven cycle (as defined in IC 9-13-2-104.1); ~~or~~
- (4) an off-road vehicle; ~~or~~
- (5) an electric foot scooter (as defined in IC 9-13-2-49.4).**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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