

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

1 A BILL for an Act to amend and reenact sections 39-10.1-02, 39-10.1 -03, 39-10.1-04,
2 39-10.1-05, 39-10.1-06, 39-10.1-07, and 39-10.1-08 of the North Dakota Century Code, relating
3 to bicycle operation and safety; to repeal section 39-10.1-01 of the North Dakota Century Code,
4 relating to penalties; to provide a penalty; and to provide a continuing appropriation.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 39-10.1-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-10.1-02. Traffic laws apply to ~~persons riding~~ individuals operating bicycles.**

9 ~~Every person riding~~ An individual operating a bicycle upon a roadway is granted road has all of
10 the rights and is subject to all of the duties applicable to the driver of a motor vehicle ~~by this~~
11 ~~title, except as to special regulations in this title and except as~~ provisions that apply only to
12 motor vehicles and to those provisions of this title which by their nature ~~can~~ have no application
13 to bicycles. For purposes of this section, "road" means every way or place generally open to
14 the use of the public as a matter of right, for the purpose of motor vehicle travel,
15 notwithstanding that it may be temporarily closed or subject to restricted travel due to
16 construction, reconstruction, repair, or maintenance.

17 **SECTION 2. AMENDMENT.** Section 39-10.1-03 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-10.1-03. ~~Riding on~~ Operating a bicycle.**

20 1. ~~A person propelling~~ While operating a bicycle ~~may not ride other than upon or~~
21 ~~astride a permanent and regular,~~ an individual shall sit upon a seat attached
22 ~~thereto~~ to the bicycle or stand upon its pedals.

2. ~~No An individual operating a bicycle may be used to carry more persons at one time than the number for which it is designed and equipped~~ not transport any other individual unless:

a. The individual being transported is seated in or on an auxiliary child's seat designed for attachment to the bicycle;

b. The individual being transported is seated in or on an auxiliary trailer designed for attachment to a bicycle; or

c. The bicycle is specifically designed to transport one or more individuals in addition to the operator.

SECTION 3. AMENDMENT. Section 39-10.1-04 of the North Dakota Century Code is amended and reenacted as follows:

39-10.1-04. Clinging to vehicle. ~~No person riding upon any~~ An individual operating a bicycle, coaster, roller skates, sled, or toy vehicle may attach the same or the person's self to any may not hang on or in any way secure either the individual or the bicycle to a motor vehicle upon a roadway, except a sled for the purpose of being pulled by a snowmobile while on the bicycle.

SECTION 4. AMENDMENT. Section 39-10.1-05 of the North Dakota Century Code is amended and reenacted as follows:

39-10.1-05. Riding on roadway and bicycle path.

1. ~~Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.~~

2. ~~Persons riding bicycles upon a roadway may not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.~~

3. ~~Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and may not use the roadway.~~ An individual operating a bicycle on a road is entitled to the full use of a lane and shall comply with all traffic rules otherwise applicable to motor vehicles.

2. An individual operating a bicycle on a road shall make every effort to accommodate the passage of faster moving vehicles by moving toward the right side of the road, if the individual determines that the movement can be made safely and without

encountering hazardous conditions, including fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface impairments, and weather hazards.

3. Individuals operating bicycles shall use a paved path located adjacent to a road rather than the road itself if:

a. The path is designed and built for the exclusive use of individuals operating bicycles;

b. The path is clearly marked as being for the exclusive use of individuals operating bicycles; and

c. The condition of the path does not jeopardize the safety of an individual operating a bicycle on the path.

SECTION 6. AMENDMENT. Section 39-10.1-06 of the North Dakota Century Code is amended and reenacted as follows:

39-10.1-06. ~~Garrying article~~ Transporting object - Interference with safe operation of bicycle. ~~No person~~ An individual operating a bicycle may ~~not carry any package, bundle, or article which transport any object if doing so prevents the driver from keeping at least one hand upon the handlebars~~ prevents the individual from safely operating the bicycle.

SECTION 7. AMENDMENT. Section 39-10.1-07 of the North Dakota Century Code is amended and reenacted as follows:

39-10.1-07. Lamps and other equipment on bicycles.

1. ~~Every~~ An individual operating a bicycle ~~when in use at nighttime must be equipped with~~ during the hours between sunset and sunrise shall attach to the front of the bicycle or wear a lamp on the front which emits emitting a white or yellow light visible from a distance of at least five hundred feet [152.4 meters] to the front and with a red reflector on the rear of a type approved by the department. ~~A.~~

2. An individual operating a bicycle during the hours between sunset and sunrise shall attach to the rear of the bicycle or wear a lamp emitting a red light visible from a distance of five hundred feet [152.4 meters] to the rear may be used in addition to the red reflector.

~~2. Every bicycle must be~~

3. An individual may not operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean

pavement in good working condition and adequate to control the movement and
stop the bicycle.

SECTION 8. AMENDMENT. Section 39-10.1-08 of the North Dakota Century Code is
amended and reenacted as follows:

39-10.1-08. Point system not applicable - Continuing appropriation.

1. Any violation of this chapter, or any moving violation as defined in section 39-06.1-09, or any nonmoving violation as defined in section 39-06.1-08 when committed on a bicycle as defined in section 39-01-01, is not cause for the licensing authority to assess points against the driving record of the violator pursuant to section 39-06.1-10.
2. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation is applicable to ~~bicyclists~~ an individual operating a bicycle.
3. Any individual who violates a provision of this chapter for which another penalty is not established may be fined up to five dollars per violation.
4. All fines or fees collected by state, county, or city officials for violations of this chapter must be forwarded to the state treasurer for deposit in a special fund in the state treasury known as the bicycle safety promotion fund. All moneys in the fund are appropriated on a continuing basis to the department of transportation for the purpose of providing grants to public and private sector organizations for the purpose of promoting bicycle safety.

SECTION 9. REPEAL. Section 39-10.1-01 of the North Dakota Century Code is
repealed.