

**SENATE BILL NO. 2338**

Introduced by

Senators Seymour, Bercier, Fairfield

Representatives Potter, Zaiser

1 A BILL for an Act to create and enact two new sections to chapter 39-10.1 of the North Dakota  
2 Century Code, relating to bicycle helmets and restraining seats; to amend and reenact section  
3 39-10.1-01 of the North Dakota Century Code, relating to bicycles; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 39-10.1 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Definition.** In this chapter, unless the context otherwise requires, "protective bicycle  
8 helmet" means a piece of headgear that meets or exceeds the impact standards for protective  
9 bicycle helmets set by the United States consumer products safety commission, the American  
10 society for testing and materials, the American national standards institute, or the Snell  
11 memorial foundation.

12 **SECTION 2.** A new section to chapter 39-10.1 of the North Dakota Century Code is  
13 created and enacted as follows:

14 **Requirements for helmet and restraining seat use.**

- 15 1. An individual under thirteen years of age may not operate a bicycle or be in a  
16 restraining seat attached to a bicycle or in a cart pulled by a bicycle unless the  
17 individual wears a protective bicycle helmet that is used in accordance with the  
18 manufacturer's instructions.
- 19 2. An individual who weighs less than forty pounds [18.14 kilograms] or is less than  
20 forty inches [101.60 centimeters] in height who is a passenger on a bicycle must be  
21 properly seated in and adequately secured to a restraining seat or, if in a cart  
22 pulled by a bicycle, must be properly seated in and adequately secured to the cart.

23 **SECTION 3. AMENDMENT.** Section 39-10.1-01 of the North Dakota Century Code is  
24 amended and reenacted as follows:

- 1           **39-10.1-01. Effect of chapter - Penalty for violation.**
- 2           1.    ~~It is unlawful for any person to do any act forbidden or fail to perform any act~~
- 3           ~~required in this chapter. Any person~~ An individual who violates ~~any of the~~
- 4           ~~provisions of~~ this chapter may be assessed a fee not to exceed five dollars.
- 5           2.    The parent of any child and the guardian of any ward may not authorize or
- 6           knowingly permit ~~any such~~ that parent's child or that guardian's ward to violate ~~any~~
- 7           ~~of the provisions of~~ this chapter.
- 8           3.    ~~These provisions applicable to bicycles apply~~ This chapter applies to a bicycle
- 9           whenever a that bicycle is operated upon any highway ~~or upon~~, any path set aside
- 10          for the exclusive use of bicycles, or any path primarily used by bicycles and
- 11          pedestrians, subject to those exceptions stated ~~herein~~ in this chapter.