

January 26, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1316

- Page 1, line 2, replace "autocycles" with "multipassenger bicycles"
- Page 1, line 2, after the third comma insert "39-08-18,"
- Page 1, line 3, replace "autocycles" with "multipassenger bicycles"
- Page 1, line 4, after the comma insert "open container prohibition,"
- Page 1, line 4, replace "autocycles" with "multipassenger bicycles"
- Page 1, line 5, remove "and"
- Page 1, line 5, after "penalty" insert "; and to declare an emergency"
- Page 3, line 17, remove "Autocycle" means a vehicle that:
- Page 3, remove lines 18 through 29
- Page 4, line 1, remove "4."
- Page 4, line 3, replace "an autocycle" with "a multipassenger bicycle"
- Page 4, line 4, remove the overstrike over "4."
- Page 4, line 4, remove "5."
- Page 4, line 9, remove the overstrike over "5."
- Page 4, line 9, remove "6."
- Page 4, line 12, remove the overstrike over "6."
- Page 4, line 12, remove "7."
- Page 4, line 16, remove the overstrike over "7."
- Page 4, line 16, remove "8."
- Page 4, line 20, remove the overstrike over "8."
- Page 4, line 20, remove "9."
- Page 4, line 25, remove the overstrike over "9."
- Page 4, line 25, remove "10."
- Page 5, line 3, remove the overstrike over "10."
- Page 5, line 3, remove "11."
- Page 5, line 11, remove the overstrike over "11."
- Page 5, line 11, remove "12."
- Page 5, line 13, remove the overstrike over "12."
- Page 5, line 13, remove "13."

Page 5, line 18, remove the overstrike over "~~13~~."
Page 5, line 18, remove "14."
Page 5, line 26, remove the overstrike over "~~14~~."
Page 5, line 26, remove "15."
Page 6, line 1, remove the overstrike over "~~15~~."
Page 6, line 1, remove "16."
Page 6, line 8, remove the overstrike over "~~16~~."
Page 6, line 8, remove "17."
Page 6, line 10, remove the overstrike over "~~17~~."
Page 6, line 10, remove "18."
Page 6, line 12, remove the overstrike over "~~18~~."
Page 6, line 12, remove "19."
Page 6, line 13, remove the overstrike over "~~19~~."
Page 6, line 13, remove "20."
Page 6, line 25, remove the overstrike over "~~20~~."
Page 6, line 25, remove "21."
Page 6, line 30, remove the overstrike over "~~21~~."
Page 6, line 30, remove "22."
Page 7, line 5, remove the overstrike over "~~22~~."
Page 7, line 5, remove "23."
Page 7, line 12, remove the overstrike over "~~23~~."
Page 7, line 12, remove "24."
Page 7, line 14, remove the overstrike over "~~24~~."
Page 7, line 14, remove "25."
Page 7, line 18, remove the overstrike over "~~25~~."
Page 7, line 18, remove "26."
Page 7, line 23, remove the overstrike over "~~26~~."
Page 7, line 23, remove "27."
Page 7, line 26, remove the overstrike over "~~27~~."
Page 7, line 26, remove "28."
Page 7, line 29, remove the overstrike over "~~28~~."
Page 7, line 29, remove "29."

Page 8, line 1, remove the overstrike over "~~29~~."

Page 8, line 1, remove "30."

Page 8, line 3, remove the overstrike over "~~30~~."

Page 8, line 3, remove "31."

Page 8, line 9, remove the overstrike over "~~31~~."

Page 8, line 9, remove "32."

Page 8, line 23, remove the overstrike over "~~32~~."

Page 8, line 23, remove "33."

Page 8, line 27, remove the overstrike over "~~33~~."

Page 8, line 27, remove "34."

Page 9, line 6, remove the overstrike over "~~34~~."

Page 9, line 6, remove "35."

Page 9, line 7, remove the overstrike over "~~35~~."

Page 9, line 7, remove "36."

Page 9, line 15, remove the overstrike over "~~36~~."

Page 9, line 15, remove "37."

Page 9, line 16, remove the overstrike over "~~37~~."

Page 9, line 16, remove "38."

Page 9, line 20, remove the overstrike over "~~38~~."

Page 9, line 20, remove "39."

Page 9, line 21, remove the overstrike over "~~39~~."

Page 9, line 21, remove "40."

Page 9, line 24, remove the overstrike over "~~40~~."

Page 9, line 24, remove "41."

Page 9, line 26, remove the overstrike over "~~41~~."

Page 9, line 26, remove "42."

Page 9, line 29, remove the overstrike over "~~42~~."

Page 9, line 29, remove "43."

Page 10, line 9, remove the overstrike over "~~43~~."

Page 10, line 9, remove "44."

Page 10, line 13, remove the overstrike over "~~44~~."

Page 10, line 13, remove "45."

Page 10, line 16, remove the overstrike over "~~45~~."

Page 10, line 16, remove "46."

Page 10, line 21, remove the overstrike over "~~46~~."

Page 10, line 21, remove "47."

Page 10, line 24, remove the overstrike over "~~47~~."

Page 10, line 24, remove "48."

Page 10, line 28, replace "an autocycle" with "a multipassenger bicycle"

Page 10, line 29, remove the overstrike over "~~48~~."

Page 10, line 29, remove "49."

Page 11, line 1, remove the overstrike over "~~49~~."

Page 11, line 1, remove "50."

Page 11, line 11, remove the overstrike over "~~50~~."

Page 11, line 11, remove "51."

Page 11, after line 13, insert:

"51. "Multipassenger bicycles" means a vehicle that:

- a. Has fully operative pedals for propulsion entirely by human power;
- b. Has at least four wheels and is operated in a manner similar to a bicycle;
- c. Has at least five seats for passengers;
- d. Has been designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power;
- e. Is used for commercial purposes;
- f. Is operated by the owner of the vehicle or an employee of the owner of the vehicle;
- g. Is equipped with a steering wheel that gives the driver exclusive control of the direction of the vehicle;
- h. Is equipped with at least one taillamp in accordance with section 39-21-04;
- i. Is equipped with a stop lamp in accordance with subsection 1 of section 39-21-19; and
- j. Is equipped with headlamps in accordance with section 39-27-17.1."

Page 18, line 16, replace "A" with "The driver of a multipassenger bicycle is subject to a violation of this section but a multipassenger bicycle"

Page 18, line 16, remove "on an autocycle"

"SECTION 3. AMENDMENT. Section 39-08-18 of the North Dakota Century Code is amended and reenacted as follows:

39-08-18. Open container law - Penalty.

1. A person may not drink or consume alcoholic beverages, as defined in section 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It is unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area occupied by the driver and passengers. This subsection does not prohibit the consumption or possession of alcoholic beverages in a house car if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of fifty dollars; however, the licensing authority may not record the violation against the person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.
2. Subsection 1 does not apply to a public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person's usual employment transporting passengers at the employer's direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking.
3. The driver of a multipassenger bicycle may not:
 - a. Drink or consume alcoholic beverages, as defined in section 5-01-01, while operating the multipassenger bicycle on any public street, road, path, or highway or while in an area used principally for parking; or
 - b. Have in the driver's possession on the driver's person while operating the multipassenger bicycle on a public street, road, path, or highway or while in an area used principally for parking, any bottle or receptacle containing any alcoholic beverage which has been opened.

or the seal broken, or the contents of which have been partially removed."

Page 23, line 1, replace "an autocycle" with "a multipassenger bicycle"

Page 23, line 7, replace "**Autocycles**" with "**Multipassenger bicycles**"

Page 23, line 8, replace "an autocycle" with "a multipassenger bicycle"

Page 23, after line 9, insert:

"SECTION 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly