

HB 1506 – Bicycle DUI
Senate Transportation
March 3, 2023
Rep. Shannon Roers Jones

HB 1506 resolves a legal absurdity related to driving under the influence in North Dakota. Under current law someone who is riding a bike or a horse under the influence would be cited with DUI.

North Dakota law provides a bicycle or ridden animal is deemed a “vehicle” for purposes of Chapters 39-08 through 39-13. The amended bill will not allow a bicycle or ridden animal to be defined as a vehicle for purposes of Section 39-08-01, which is the section related to driving a vehicle under the influence of drugs or alcohol. Which is very important. It certainly isn’t good policy to be able to suspend a person’s driver’s license for riding a bike or a horse under the influence when they don’t need a driver’s license to ride one sober.

“Vehicle” and “motor vehicle” also have distinct definitions under the code. Certain traffic regulations govern operation of all vehicles, while others govern only motor vehicles. North Dakota law prohibits driving or being in actual physical control of a “vehicle.” So as currently written a person could be charged with actual physical control of a vehicle if they are simply walking their bicycle while intoxicated. Moreover, as defined, a bicycle is a device powered solely by human power with two wheels. So a bicyclist who affixes training wheels, or a person riding a tricycle, is arguably beyond the reach of the DUI statute.

Being charged with a DUI has significant consequences such as automatic suspension of a person’s driver’s license, onerous requirements, like taking defensive driving courses and paying fees to get a license reinstated, as well as increased insurance premiums. Stated another way, you don’t need to have a driver’s license to ride a bicycle, but the consequences of riding a bike under the influence will affect your ability to maintain your driver’s license.

That’s not to say that driving a bicycle under the influence is safe, or a good idea. Certainly, there is still the possibility to injury yourself, others, or to damage property. There should be a penalty for driving a bike under the influence, but losing your driver’s license is neither justified nor proportional.

The House Transportation Committee added Section 3 which includes a fine for operating a bicycle on the roadway or in a public location where that person is a hazard to themselves, or the public. The House committee made that a \$20 fine. There will likely be those who come after me who will suggest that \$20 is not a high enough fine for the risk created. I am not opposed to increasing that fine level, but I would ask the committee to leave the penalty as a fine-only offense and to not make it an infraction. For reference, an infraction is a criminal offense, that would create a criminal record, and a person who is convicted of two infractions in a year would have their charge elevated to a misdemeanor.

For many, driving a bike after they’ve had a couple of drinks may be a much safer alternative to getting behind the wheel. For those who are too intoxicated to safely operate a bike, there would be not only the fine-only offense created in Section 3, but there are also criminal charges available if the conduct is significantly dangerous or destructive, such as disorderly conduct or criminal mischief.

For all these reasons, I ask the committee to send the bill to the floor with a strong do pass recommendation.