

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.

- 1           2. ~~No~~ An individual operating a bicycle may be used to carry more persons at one  
2           time than the number for which it is designed and equipped not transport any other  
3           individual unless:
- 4           a. The individual being transported is seated in or on an auxiliary child's seat  
5           designed for attachment to the bicycle;
- 6           b. The individual being transported is seated in or on an auxiliary trailer designed  
7           for attachment to a bicycle; or
- 8           c. The bicycle is specifically designed to transport one or more individuals in  
9           addition to the operator.

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

12           **39-10.1-04. Clinging to vehicle.** ~~No person riding upon any~~ An individual operating a  
13 ~~bicycle, coaster, roller skates, sled, or toy vehicle may attach the same or the person's self to~~  
14 ~~any~~ may not hang on or in any way secure either the individual or the bicycle to a motor vehicle  
15 ~~upon a roadway, except a sled for the purpose of being pulled by a snowmobile while on the~~  
16 ~~bicycle.~~

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

19           **39-10.1-05. Riding on roadway and bicycle path.**

- 20           1. ~~Every person operating a bicycle upon a roadway shall ride as near to the right~~  
21           ~~side of the roadway as practicable, exercising due care when passing a standing~~  
22           ~~vehicle or one proceeding in the same direction.~~
- 23           2. ~~Persons riding bicycles upon a roadway may not ride more than two abreast,~~  
24           ~~except on paths or parts of roadways set aside for the exclusive use of bicycles.~~
- 25           3. ~~Wherever a usable path for bicycles has been provided adjacent to a roadway,~~  
26           ~~bicycle riders shall use such path and may not use the roadway.~~ An individual  
27           operating a bicycle on a road is entitled to the full use of a lane and shall comply  
28           with all traffic rules otherwise applicable to motor vehicles.
- 29           2. An individual operating a bicycle on a road shall make every effort to accommodate  
30           the passage of faster moving vehicles by moving toward the right side of the road,  
31           if the individual determines that the movement can be made safely and without

- 1           encountering hazardous conditions, including fixed or moving objects, parked or  
2           moving vehicles, pedestrians, animals, surface impairments, and weather hazards.  
3           3. Individuals operating bicycles shall use a paved path located adjacent to a road  
4           rather than the road itself if:  
5           a. The path is designed and built for the exclusive use of individuals operating  
6           bicycles;  
7           b. The path is clearly marked as being for the exclusive use of individuals  
8           operating bicycles; and  
9           c. The condition of the path does not jeopardize the safety of an individual  
10           operating a bicycle on the path.

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

13           **39-10.1-06. ~~Garrying article~~ Transporting object - Interference with safe operation**  
14 **of bicycle.** ~~No person~~ An individual operating a bicycle may not carry any package, bundle, or  
15 article which transport any object if doing so prevents the driver from keeping at least one hand  
16 upon the handlebars prevents the individual from safely operating the bicycle.

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

19           **39-10.1-07. Lamps and other equipment on bicycles.**

- 20           1. ~~Every~~ An individual operating a bicycle when in use at nighttime must be equipped  
21 with during the hours between sunset and sunrise shall attach to the front of the  
22 bicycle or wear a lamp on the front which emits emitting a white or yellow light  
23 visible from a distance of at least five hundred feet [152.4 meters] to the front and  
24 with a red reflector on the rear of a type approved by the department. A.  
25           2. An individual operating a bicycle during the hours between sunset and sunrise  
26 shall attach to the rear of the bicycle or wear a lamp emitting a red light visible from  
27 a distance of five hundred feet [152.4 meters] to the rear may be used in addition  
28 to the red reflector.  
29           2. ~~Every bicycle must be~~  
30           3. An individual may not operate a bicycle unless it is equipped with a brake which  
31 will enable the operator to make the braked wheels skid on dry, level, clean

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

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

5                    **39-10.1-08. Point system not applicable - Continuing appropriation.**

- 6                    1. Any violation of this chapter, or any moving violation as defined in section  
7                    39-06.1-09, or any nonmoving violation as defined in section 39-06.1-08 when  
8                    committed on a bicycle as defined in section 39-01-01, is not cause for the  
9                    licensing authority to assess points against the driving record of the violator  
10                   pursuant to section 39-06.1-10.
- 11                   2. Any other legally authorized penalty for a criminal traffic offense or noncriminal  
12                   traffic violation is applicable to ~~bicyclists~~ an individual operating a bicycle.
- 13                   3. Any individual who violates a provision of this chapter for which another penalty is  
14                   not established may be fined up to five dollars per violation.
- 15                   4. All fines or fees collected by state, county, or city officials for violations of this  
16                   chapter must be forwarded to the state treasurer for deposit in a special fund in the  
17                   state treasury known as the bicycle safety promotion fund. All moneys in the fund  
18                   are appropriated on a continuing basis to the department of transportation for the  
19                   purpose of providing grants to public and private sector organizations for the  
20                   purpose of promoting bicycle safety.

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