

**SENATE BILL NO.**

Introduced by

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

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

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

10 **39-10.1-02. Traffic laws ~~apply~~ - Application to persons riding individuals**  
11 **operating bicycles.** ~~Every person riding~~ An individual operating a bicycle upon a roadway is  
12 ~~granted road~~ has all of the rights and is subject to all of the duties applicable to the driver of a  
13 ~~motor vehicle by this title, except as to special regulations in this title and except as to those~~  
14 ~~provisions that apply only to motor vehicles and provisions of this title which that by their nature~~  
15 ~~can have no application to bicycles.~~ For purposes of this section, "road" means every way or  
16 place generally open to the use of the public as a matter of right, for the purpose of motor  
17 vehicle travel, notwithstanding that due to construction, reconstruction, repair, or maintenance  
18 the way or place may be temporarily closed or subject to restricted travel.

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

21 **39-10.1-03. ~~Riding on~~ Operating a bicycle.**

22 1. ~~A person propelling~~ While operating a bicycle may not ride other than upon or  
23 ~~astride a permanent and regular,~~ an individual shall sit upon a seat attached  
24 ~~thereto~~ to the bicycle or shall stand upon the bicycle's 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 seat designed  
5 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 at less than the posted motor vehicle  
30 speed limit shall accommodate the passage of a faster moving vehicle by  
31 proceeding to the right half of the lane in which the individual is traveling, provided

1           that the right half of the lane is free of any fixed or moving object, any parked or  
2           moving vehicle, pedestrian, animal, surface debris, surface impairment, standing or  
3           running water, snow, ice, or other weather-related hazard, or any other condition  
4           hazardous to the individual.

5           3. An individual operating a bicycle shall use a paved path located adjacent to a road  
6           rather than the road itself if:

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

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

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

13           **SECTION 5. AMENDMENT.** Section 39-10.1-06 of the North Dakota Century Code is  
14           amended and reenacted as follows:

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

19           **SECTION 6. AMENDMENT.** Section 39-10.1-07 of the North Dakota Century Code is  
20           amended and reenacted as follows:

21           **39-10.1-07. Lamps and other equipment on bicycles.**

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

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

1       2. ~~3. Every bicycle must be~~ An individual may not operate a bicycle unless it is equipped  
2           with a brake ~~which will enable the operator to make the braked wheels skid on dry,~~  
3           ~~level, clean pavement~~ in good working condition and adequate to control the  
4           movement of and stop the bicycle.

5           **SECTION 7. AMENDMENT.** Section 39-10.1-08 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **39-10.1-08. Penalty - Point system not applicable.**

8           1. Any individual who violates a provision of this chapter for which another penalty is  
9           not established may be assessed a fee of up to five dollars per violation.

10          2. Any violation of this chapter, ~~or~~ and any moving violation as defined in section  
11          39-06.1-09, or any nonmoving violation ~~as defined in section 39-06.1-08~~ when  
12          committed ~~or~~ by an individual operating a bicycle ~~as defined in section 39-01-01,~~  
13          is not cause for the licensing authority to assess points against the driving record of  
14          the violator pursuant to section 39-06.1-10.

15          3. Any other legally authorized penalty for a criminal traffic offense or noncriminal  
16          traffic violation is applicable to ~~bicyclists~~ an individual operating a bicycle.

17          **SECTION 8.** A new section to chapter 39-10.1 of the North Dakota Century Code is  
18 created and enacted as follows:

19          **Bicycle safety promotion fund - Continuing appropriation.** All fees collected by a  
20          state, county, or city official for violation of this chapter must be forwarded to the state treasurer  
21          for deposit in a special account in the state treasury known as the bicycle safety promotion  
22          fund. All moneys in the fund are appropriated on a continuing basis to the department of  
23          transportation for the purpose of providing grants to public and private sector organizations that  
24          promote bicycle safety.

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