

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2279

Introduced by

Senators DeMers, Lee, Kilzer

Representatives Jensen, Price, Rose

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; and to amend and reenact
3 section 39-10.1-01 of the North Dakota Century Code, relating to bicycles; and to provide a
4 penalty.

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

6 **SECTION 1. AMENDMENT.** Section 39-10.1-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-10.1-01. Effect of chapter - Penalty for violation.**

- 9 1. ~~It is unlawful for any person to do any act forbidden or fail to perform any act~~
10 ~~required in this chapter.~~ Any A person who violates any of the provisions of this
11 chapter may be assessed a fee not to exceed five twenty dollars. In the case of a
12 first conviction within a twelve-month period for the failure to use an appropriate
13 protective bicycle helmet, cart, or restraining seat, a court may waive the fee upon
14 receipt of satisfactory proof that, since the date of the violation, the person in
15 violation has purchased or obtained the appropriate equipment and uses and
16 intends to use the appropriate equipment whenever required by this chapter.
- 17 2. The parent of any child and the guardian of any ward may not authorize or
18 knowingly permit ~~any such~~ that parent's child or that guardian's ward to violate any
19 ~~of the provisions of this chapter.~~
- 20 3. ~~These provisions applicable to bicycles apply~~ This chapter applies to a bicycle
21 whenever a that bicycle is operated upon any highway or upon, any path set aside
22 for the exclusive use of bicycles, or any path primarily used by bicycles and
23 pedestrians, subject to those exceptions stated herein within this chapter.

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

3 **Definitions.** In this chapter, unless the context otherwise requires:

- 4 1. "Protective bicycle helmet" means a piece of headgear that meets or exceeds the
5 impact standards for protective bicycle helmets set by the United States consumer
6 product safety commission, the Snell memorial foundation, the American national
7 standards institute, or the American society for testing and materials.
8 2. "Restraining seat" means a seat separate from the saddle seat of the operator of
9 the bicycle which is fastened securely to the frame of the bicycle and is adequately
10 equipped to restrain the passenger in the seat and protect the passenger from the
11 moving parts of the bicycle.

12 **SECTION 3.** 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 fifteen years of age may not operate or be a passenger on a
16 bicycle or in a cart pulled by a bicycle unless the individual wears a protective
17 bicycle helmet of good fit fastened securely upon the head with the straps of the
18 helmet.
19 2. An individual may not be a passenger on a bicycle unless that individual is able to
20 maintain an erect, seated position on the bicycle and that individual is seated alone
21 on a saddle seat. With respect to an individual who weighs less than forty pounds
22 [18.14 kilograms] or is less than forty inches [101.60 centimeters] in height, the
23 individual must be properly seated in and adequately secured to a restraining seat
24 or, if in a cart pulled by a bicycle, must be properly seated in and adequately
25 secured to the cart.
26 3. A person may not rent or lease a bicycle to or for the use of an individual under
27 fifteen years of age unless the individual is in possession of a protective bicycle
28 helmet of good fit at the time of the rental or lease; or the rental or lease includes a
29 protective bicycle helmet of good fit, and the individual intends to wear the helmet
30 as required by this section.