

HOUSE BILL NO. 1203

Introduced by

Representatives Kempenich, Brandenburg, Laning, Oliver, Rohr

Senators Cook, Schaible

1 A BILL for an Act to create and enact section 32-03.2-02.2 of the North Dakota Century Code,
2 relating to the liability exemption of a motor vehicle driver; and to amend and reenact section
3 39-10-33 of the North Dakota Century Code, relating to pedestrians on roadways.

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

5 **SECTION 1.** Section 32-03.2-02.2 of the North Dakota Century Code is created and
6 enacted as follows:

7 **32-03.2-02.2. Liability exemption for motor vehicle driver.**

8 Notwithstanding any other provision of law, a driver of a motor vehicle who ~~negligently~~
9 while exercising reasonable care, causes injury or death to an individual who is intentionally
10 obstructing vehicular traffic on a public road, street, or highway may not be held liable for any
11 damages.

12 **SECTION 2. AMENDMENT.** Section 39-10-33 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-10-33. Pedestrian on roadway.**

- 15 1. Where a sidewalk is provided and its use is practicable, it is unlawful for any
16 pedestrian to walk along and upon an adjacent roadway.
- 17 2. Where a sidewalk is not available, any pedestrian walking along and upon a highway
18 shall walk only on a shoulder, as far as practicable from the edge of the roadway.
- 19 3. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along
20 and upon a highway shall walk as near as practicable to an outside edge of the
21 roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
- 22 4. Except as otherwise provided for in this chapter, any pedestrian upon a roadway shall
23 yield the right of way to all vehicles upon the roadway.

- 1 5. Notwithstanding any other provision of law, a driver of a motor vehicle who
2 unintentionally causes injury or death to an individual **who is intentionally** obstructing
3 vehicular traffic on a public road, street, or highway is not guilty of an offense.