

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED 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, while exercising  
9 reasonable care, causes injury or death to an individual who is intentionally obstructing  
10 vehicular traffic on a public road, street, or highway may not be held liable for any damages.

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

13 **39-10-33. Pedestrian on roadway.**

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