

HOUSE BILL NO. 1148

Introduced by

Representatives D. Ruby, Marschall, Meier, Mock, Westlind

Senators Clemens, Kreun, Rust

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 electric bicycle regulations, manufacturing, and operations; to amend
3 and reenact sections 39-01-01, 39-05-02.2, and 39-10.1-08, subsection 5 of section 39-16-01,
4 subsection 2 of section 39-29-01, and subsection 2 of section 57-40.3-01 of the North Dakota
5 Century Code, relating to the requirements for electric bicycles distributed, manufactured, and
6 operated in the state; and to provide a penalty.

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

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

10 **39-01-01. Definitions.**

11 In this title, unless the context or subject matter otherwise requires:

- 12 1. "Appropriate licensed addiction treatment program" means an addiction treatment
13 program conducted by an addiction facility licensed by the department of human
14 services or conducted by a licensed individual specifically trained in addiction
15 treatment.
- 16 2. "Authorized emergency vehicles":
- 17 a. "Class A" authorized emergency vehicles means:
- 18 (1) Vehicles of a governmentally owned fire department.
- 19 (2) Vehicles when operated by or under the control of a police officer having
20 authority to enforce the provisions of this title or by a salaried employee of a
21 municipal police department within the municipality or by a sheriff or deputy
22 sheriff not including special deputy sheriffs, or by the director of the
23 department of corrections and rehabilitation and the director's authorized

- 1 agents who have successfully completed training in the operation of class A
2 authorized emergency vehicles.
- 3 (3) Vehicles clearly identifiable as property of the department of corrections and
4 rehabilitation when operated or under the control of the director of the
5 department of corrections and rehabilitation.
- 6 (4) Ambulances and other vehicles authorized by licensure granted under
7 chapter 23-27.
- 8 (5) Vehicles operated by or under the control of the director, district deputy
9 director, or a district deputy game warden of the game and fish department.
- 10 (6) Vehicles owned or leased by the United States and used for law
11 enforcement purposes.
- 12 (7) Vehicles designated for the use of the adjutant general or assistant adjutant
13 general in cases of emergency.
- 14 (8) Vehicles operated by or under the control of the director of the parks and
15 recreation department.
- 16 (9) Vehicles operated by or under the control of a licensed railroad police officer
17 and used for law enforcement purposes.
- 18 (10) Vehicles operated by or under the control of the state forester.
- 19 (11) Vehicles operated by or under the control of the bureau of criminal
20 investigation and used for law enforcement purposes.
- 21 (12) Vehicles operated by or under the state department of health in cases of
22 emergencies.
- 23 b. "Class B" authorized emergency vehicles means wreckers and such other
24 emergency vehicles as are authorized by the local authorities.
- 25 c. "Class C" authorized emergency vehicles means:
- 26 (1) Vehicles used by the state division of homeland security or local division of
27 emergency management organizations.
- 28 (2) Vehicles used by volunteer firefighters while performing their assigned
29 disaster and emergency responsibilities.
- 30 (3) Vehicles, other than ambulances, used by emergency medical services
31 personnel.

- 1 3. "Bicycle" means every device propelled solely by human power upon which any
2 person may ride, having two tandem wheels ~~either of which is more than twenty-~~
3 ~~inches [50.8 centimeters] in diameter~~ or two parallel wheels and one forward or
4 rearward wheel. The term includes an electric bicycle.
- 5 4. "Bus" means every motor vehicle designed for carrying more than ten passengers and
6 used for the transportation of persons, and every motor vehicle, other than a taxicab,
7 designed and used for the transportation of persons for compensation. Provided,
8 every motor vehicle designed for carrying not more than fifteen persons and used for a
9 ridesharing arrangement, as defined in section 8-02-07, is not a "bus".
- 10 5. "Business district" means the territory contiguous to a highway when fifty percent or
11 more of the frontage thereon for a distance of three hundred feet [91.44 meters] or
12 more is occupied by buildings in use for business.
- 13 6. "Camping trailer" means a vehicular portable unit mounted on wheels and constructed
14 with collapsible partial side walls that fold for towing by another vehicle and unfold at
15 the campsite to provide temporary living quarters for recreational, camping, or travel
16 use.
- 17 7. "Cancellation" means a license is annulled and terminated because of an error or
18 defect or because the licensee is no longer entitled to the operator's license, but the
19 cancellation of a license is without prejudice and application for a new license may be
20 made at any time after the cancellation.
- 21 8. "Child restraint system" means a specifically designed device, built-in seating system,
22 or belt-positioning booster that meets the federal motor vehicle safety standards and is
23 permanently affixed to a motor vehicle, is affixed to the vehicle by a safety belt or
24 universal attachment system, or is combined with a federally compliant safety belt
25 system.
- 26 9. "Commercial freighting" means the carriage of things other than passengers, for hire,
27 except that such term does not include:
- 28 a. The carriage of things other than passengers within the limits of the same city;
29 b. Carriage by local dray lines of baggage or goods to or from a railroad station from
30 or to places in such city or in the immediate vicinity thereof, in this state, and not

- 1 to exceed two miles [3.22 kilometers] from the corporate or recognized limits of
2 said city; or
- 3 c. Hauling done by farmers for their neighbors in transporting agricultural products
4 to or from market.
- 5 10. "Commercial passenger transportation" means the carriage of passengers for hire,
6 except that the term does not include:
- 7 a. The carriage of passengers within the limits of a city.
- 8 b. The carriage by local buslines of passengers to or from a railroad station from or
9 to places within any city or within two miles [3.22 kilometers] of the limits of the
10 city.
- 11 c. The carriage of passengers under a ridesharing arrangement, as defined in
12 section 8-02-07.
- 13 11. "Commissioner" means the director of the department of transportation of this state,
14 acting directly or through authorized agents as provided by section 24-02-01.3.
- 15 12. "Controlled-access highway" means every highway, street, or roadway in respect to
16 which owners or occupants of abutting lands and other persons have no legal right of
17 access to or from the same except at such points only and in such manner as may be
18 determined by the public authority having jurisdiction over such highway, street, or
19 roadway.
- 20 13. "Conviction" means a final order or judgment or conviction by the North Dakota
21 supreme court, any lower court having jurisdiction, a tribal court, or a court in another
22 state if an appeal is not pending and the time for filing a notice of appeal has elapsed.
23 Subject to the filing of an appeal, the term includes:
- 24 a. An imposed and suspended sentence;
- 25 b. A deferred imposition of sentence under subsection 4 of section 12.1-32-02; or
- 26 c. A forfeiture of bail or collateral deposited to secure a defendant's appearance in
27 court and the forfeiture has not been vacated.
- 28 14. "Crosswalk" means that part of a roadway at an intersection included within the
29 connections of the lateral lines of the sidewalks on opposite sides of the highway
30 measured from the curbs, or, in the absence of curbs, from the edges of the

1 traversable roadway; or any portion of a roadway at an intersection or elsewhere
2 distinctly indicated for pedestrian crossing by lines or other markings on the surface.

3 15. "Dealer" means every person, partnership, corporation, or limited liability company
4 engaged in the business of buying, selling, or exchanging motor vehicles, or who
5 advertises, or holds out to the public as engaged in the buying, selling, or exchanging
6 of motor vehicles, or who engages in the buying of motor vehicles for resale. Any
7 person, partnership, corporation, limited liability company, or association doing
8 business in several cities or in several locations within a city must be considered a
9 separate dealer in each such location.

10 16. "Department" means the department of transportation of this state as provided by
11 section 24-02-01.1.

12 17. "Director" means the director of the department of transportation of this state as
13 provided by section 24-02-01.3.

14 18. "Driver" means every person who drives or is in actual physical control of a vehicle.

15 19. "Electric bicycle" means a bicycle equipped with fully operable pedals, a saddle or
16 seat for the rider, and an electric motor of seven hundred fifty or fewer watts which
17 meets the requirements of one of the following three classes:

18 a. A class 1 electric bicycle if the motor provides assistance only when the individual
19 is pedaling and the motor ceases to provide assistance when a speed of twenty
20 miles [32 kilometers] per hour is achieved.

21 b. A class 2 electric bicycle if the motor is capable of propelling the bicycle without
22 the individual pedaling and the motor ceases to provide assistance when a speed
23 of twenty miles [32 kilometers] per hour is achieved.

24 c. A class 3 electric bicycle if the motor provides assistance only when the individual
25 is pedaling and the motor ceases to provide assistance when a speed of
26 twenty-eight miles [45 kilometers] per hour is achieved.

27 20. "Electronic communication device" means an electronic device, including a wireless
28 telephone, personal digital assistant, a portable or mobile computer or other device,
29 and video display equipment. The term does not include a global positioning system or
30 navigation system or a device that is physically or electronically integrated into the
31 motor vehicle.

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- 1 ~~20-21.~~ "Essential parts" means all integral and body parts of a vehicle of a type required to be
2 registered hereunder, the removal, alteration, or substitution of which would tend to
3 conceal the identity of the vehicle or substantially alter its appearance, model, type, or
4 mode of operation and includes all integral parts and body parts, the removal,
5 alteration, or substitution of which will tend to conceal the identity or substantially alter
6 the appearance of the vehicle.
- 7 ~~21-22.~~ "Explosives" means any chemical compound or mechanical mixture that is commonly
8 used or intended for the purpose of producing an explosion and which contains any
9 oxidizing and combustive units or other ingredients in such proportions, quantities, or
10 packing that an ignition by fire, by friction, by concussion, by percussion, or by
11 detonator of any part of the compound or mixture may cause such a sudden
12 generation of highly heated gases that the resultant gaseous pressures are capable of
13 producing destructive effects on contiguous objects or by destroying life or limb.
- 14 ~~22-23.~~ "Farm tractor" includes every motor vehicle designed and used primarily as a farm
15 implement for drawing plows, moving machines, and other implements of husbandry.
- 16 ~~23-24.~~ "Farm trailer" includes those trailers and semitrailers towed by a bona fide resident
17 farmer hauling the farmer's own agricultural, horticultural, dairy, and other farm
18 products if the gross weight, not including the towing vehicle, does not exceed
19 twenty-four thousand pounds [10886.22 kilograms].
- 20 ~~24-25.~~ "Fifth-wheel travel trailer" means a vehicular unit mounted on wheels, designed to
21 provide temporary living quarters for recreational, camping, or travel use, of such size
22 or weight as not to require a special highway movement permit and designed to be
23 towed by a motorized vehicle that contains a towing mechanism that is mounted
24 above or forward of the tow vehicle's rear axle.
- 25 ~~25-26.~~ "Flammable liquid" means any liquid which has a flash point of seventy degrees
26 Fahrenheit [21.11 degrees Celsius], or less, as determined by a tagliabue or
27 equivalent closed-cup test device.
- 28 ~~26-27.~~ "Foreign vehicle" means every motor vehicle which is brought into this state other than
29 in the ordinary course of business by or through a manufacturer or dealer and which
30 has not been registered in this state.

- 1 ~~27-28.~~ "Gross weight" means the weight of a vehicle without load plus the weight of any load
2 thereon.
- 3 ~~28-29.~~ "Guest" means and includes a person who accepts a ride in any vehicle without giving
4 compensation therefor.
- 5 ~~29-30.~~ "Highway" means the entire width between the boundary lines of every way publicly
6 maintained when any part thereof is open to the use of the public for purposes of
7 vehicular travel and of every way privately maintained within a mobile home park,
8 trailer park, or campground containing five or more lots for occupancy by mobile
9 homes, travel trailers, or tents when any part thereof is open for purposes of vehicular
10 travel.
- 11 ~~30-31.~~ "House car" or "motor home" means a motor vehicle which has been reconstructed or
12 manufactured primarily for private use as a temporary or recreational dwelling and
13 having at least four of the following permanently installed systems:
- 14 a. Cooking facilities.
- 15 b. Icebox or mechanical refrigerator.
- 16 c. Potable water supply including plumbing and a sink with faucet either
17 self-contained or with connections for an external source, or both.
- 18 d. Self-contained toilet or a toilet connected to a plumbing system with connection
19 for external water disposal, or both.
- 20 e. Heating or air-conditioning system, or both, separate from the vehicle engine or
21 the vehicle engine electrical system.
- 22 f. A 110-115 volt alternating current electrical system separate from the vehicle
23 engine electrical system either with its own power supply or with a connection for
24 an external source, or both, or a liquefied petroleum system and supply.
- 25 ~~31-32.~~ "Implement of husbandry" means every vehicle designed and adapted exclusively for
26 agricultural, horticultural, or livestock raising operations or for lifting or carrying an
27 implement of husbandry and in either case not subject to registration if used upon the
28 highway.
- 29 ~~32-33.~~ "Intersection" means the area embraced within the prolongation or connection of the
30 lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two
31 highways which join one another at, or approximately at, right angles, or the area

1 within which vehicles traveling upon different highways joining at any other angle may
2 come in conflict. Where a highway includes two roadways thirty feet [9.14 meters] or
3 more apart, then every crossing of each roadway of such divided highway by an
4 intersecting highway must be regarded as a separate intersection. In the event such
5 intersecting highway also includes two roadways thirty feet [9.14 meters] or more
6 apart, then every crossing of two roadways of such highways must be regarded as a
7 separate intersection.

8 ~~33-34.~~ "Intoxicating liquor" means and includes any beverage containing alcohol.

9 ~~34-35.~~ "Judgment" means any judgment which has become final by expiration without appeal
10 of the time within which an appeal might have been perfected, or by final affirmation
11 on appeal, rendered by a court of competent jurisdiction of any state of the United
12 States, upon a claim for relief arising out of ownership, maintenance, or use of any
13 motor vehicle, for damages, including damages for care and loss of services, because
14 of bodily injury to or death of any person, or for damages because of injury to or
15 destruction of property, including the loss of use thereof, or upon a claim for relief on
16 an agreement of settlement for such damages.

17 ~~35-36.~~ "Legal owner" means a person who holds the legal title to a vehicle.

18 ~~36-37.~~ "Licensed health care provider" means doctor of medicine, doctor of osteopathy,
19 doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse,
20 or physician assistant who is licensed, certified, or registered in accordance with laws
21 and regulations in this or another state.

22 ~~37-38.~~ "Lienholder" means a person holding a security interest in a vehicle.

23 ~~38-39.~~ "Local authorities" includes every county, municipal, and other local board or body
24 having authority to adopt local police regulations under the constitution and laws of
25 this state.

26 ~~39-40.~~ "Mail" means to deposit mail properly addressed and with postage prepaid with the
27 United States postal service.

28 ~~40-41.~~ "Manifest injustice" means a specific finding by the court that the imposition of
29 sentence is unreasonably harsh or shocking to the conscience of a reasonable
30 person, with due consideration of the totality of circumstances.

- 1 ~~41.42.~~ "Manufactured home" means a structure, transportable in one or more sections, that,
2 in the traveling mode, is eight body feet [2.44 meters] or more in width or forty body
3 feet [12.19 meters] or more in length, or, when erected onsite, is three hundred twenty
4 square feet [29.73 square meters] or more, and which is built on a permanent chassis
5 and designed to be used as a dwelling with or without a permanent foundation when
6 connected to the required utilities, and includes the plumbing, heating, air-conditioning,
7 and electrical systems contained therein. The term includes any structure that meets
8 all of the requirements of this subsection except the size requirements and with
9 respect to whether the manufacturer voluntarily files a certification required by the
10 United States secretary of housing and urban development and complies with the
11 standards established under title 42 of the United States Code.
- 12 ~~42.43.~~ "Manufacturer" means any person who manufactures, assembles, or imports and sells
13 new motor vehicles to new motor vehicle dealers for resale in the state; but such term
14 does not include a person who assembles or specially builds interior equipment on a
15 completed vehicle supplied by another manufacturer, distributor, or supplier.
- 16 ~~43.44.~~ "Metal tires" includes all tires the surface of which in contact with the highway is wholly
17 or partly of metal or other hard, nonresilient material except that this provision does
18 not apply to pneumatic tires.
- 19 ~~44.45.~~ "Mobile home" means a structure, either single or multisectional, which is built on a
20 permanent chassis, ordinarily designed for human living quarters, either on a
21 temporary or permanent basis, owned or used as a residence or place of business of
22 the owner or occupant, which is either attached to utility services or is twenty-seven
23 feet [8.23 meters] or more in length.
- 24 ~~45.46.~~ "Modular unit" includes every factory fabricated transportable building unit designed to
25 be incorporated with similar units at a building site into a modular structure to be used
26 for residential, commercial, educational, or industrial purposes.
- 27 ~~46.47.~~ "Motor vehicle" includes every vehicle that is self-propelled, every vehicle that is
28 propelled by electric power obtained from overhead trolley wires, but not operated
29 upon rails, and, for purposes of motor vehicle registration, title registration, and
30 operator's licenses, motorized bicycles. The term does not include a snowmobile as
31 defined in section 39-24-01 or an electric bicycle.

- 1 ~~47.48.~~ "Motorcycle" means every motor vehicle having a seat or saddle for the use of the
2 rider and designed to travel on not more than three wheels in contact with the ground,
3 but excluding implements of husbandry. The term does not include an electric bicycle.
- 4 ~~48.49.~~ "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to
5 permit muscular propulsion or footrests for use by the operator, a power source
6 providing up to a maximum of two brake horsepower having a maximum piston or
7 rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion engine is
8 used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles
9 [48.28 kilometers] per hour on a level road surface, and a power drive system that
10 functions directly or automatically only, not requiring clutching or shifting by the
11 operator after the drive system is engaged, and the vehicle may not have a width
12 greater than thirty-two inches [81.28 centimeters]. The term does not include an
13 electric bicycle.
- 14 ~~49.50.~~ "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle, or
15 off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in
16 section 39-24-01. The term does not include an electric bicycle.
- 17 ~~50.51.~~ "Nonresident" means any person who is not a resident of this state.
- 18 ~~51.52.~~ "Nonresident's operating privilege" means the privilege conferred upon a nonresident
19 by the laws of this state pertaining to the operation by such person of a motor vehicle,
20 or the use of a vehicle owned by such person, in this state.
- 21 ~~52.53.~~ "Official traffic-control devices" means all signs, signals, markings, and devices not
22 inconsistent with this title placed or erected by authority of a public body or official
23 having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- 24 ~~53.54.~~ "Operator" means every person who drives or is in actual physical control of a motor
25 vehicle upon a highway or who is exercising control over or steering a vehicle being
26 towed by a motor vehicle.
- 27 ~~54.55.~~ "Operator's license", "driver's license", or "license to operate a motor vehicle" means
28 any operator's or driver's license or any other license or permit to operate a motor
29 vehicle issued under, or granted by, the laws of this state, including:
30 a. Any temporary license or instruction permit;

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- 1 b. The privilege of any person to drive a motor vehicle whether such person holds a
2 valid license; or
- 3 c. Any nonresident's operating privilege as defined in this section.
- 4 ~~55-56.~~ "Owner" means a person, other than a lienholder, having the property in or title to a
5 vehicle. The term includes a person entitled to the use and possession of a vehicle
6 subject to a security interest in another person, but excludes a lessee under a lease
7 not intended as security.
- 8 ~~56-57.~~ "Park", when prohibited, means the standing of a vehicle, whether occupied or not,
9 otherwise than temporarily for the purpose of and while actually engaged in loading or
10 unloading.
- 11 ~~57-58.~~ "Passenger motor vehicle" means every motor vehicle designed principally for the
12 transportation of persons and includes vehicles which utilize a truck chassis, but have
13 a seating capacity for four or more passengers.
- 14 ~~58-59.~~ "Pedestrian" means any person afoot.
- 15 ~~59-60.~~ "Person" includes every natural person, firm, copartnership, association, corporation,
16 or limited liability company.
- 17 ~~60-61.~~ "Pneumatic tires" includes all tires inflated with compressed air.
- 18 ~~61-62.~~ "Pole trailer" means every vehicle without motive power designed to be drawn by
19 another vehicle and attached to the towing vehicle by means of a reach, or pole, or by
20 being boomed or otherwise secured to the towing vehicle, and ordinarily used for
21 transporting long or irregularly shaped loads such as poles, pipes, or structural
22 members capable, generally, of sustaining themselves as beams between the
23 supporting connections.
- 24 ~~62-63.~~ "Police officer" means every officer authorized to direct or regulate traffic or to make
25 arrests for violations of traffic regulations.
- 26 ~~63-64.~~ "Primary source identity document" means documentary evidence of an individual's
27 name, date of birth, and legal presence required in chapters 39-06 and 39-06.2 related
28 to the issuance of permits, licenses, and nondriver photo identification cards, and
29 retained in the driver record.

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- 1 ~~64.65.~~ "Private road or driveway" means every way or place in private ownership and used
2 for vehicular travel by the owner and those having express or implied permission from
3 the owner, but not by other persons.
- 4 ~~65.66.~~ "Proof of financial responsibility" means proof of ability to respond in damages for
5 liability, on account of accidents occurring after the effective date of the proof, arising
6 out of the ownership, maintenance, or use of a motor vehicle, in the amount of
7 twenty-five thousand dollars because of bodily injury to or death of one person in any
8 one accident, and, subject to the limit for one person, in the amount of fifty thousand
9 dollars because of bodily injury to or death of two or more persons in any one
10 accident, and in the amount of twenty-five thousand dollars because of injury to or
11 destruction of property of others in any one accident.
- 12 ~~66.67.~~ "Railroad" means a carrier of persons or property upon cars, other than streetcars,
13 operated upon stationary rails.
- 14 ~~67.68.~~ "Railroad sign or signal" means any sign, signal, or device erected by authority of a
15 public body or official or by a railroad and intended to give notice of the presence of
16 railroad tracks or the approach of a railroad train.
- 17 ~~68.69.~~ "Reconstructed vehicle" means any vehicle, of a type required to be registered,
18 materially altered from its original construction by the removal, addition, or substitution
19 of new or used essential parts.
- 20 ~~69.70.~~ "Recreational vehicle" means any motorcycle not qualified for registration, off-highway
21 vehicle, snowmobile, vessel, or personal watercraft. The term does not include an
22 electric bicycle.
- 23 ~~70.71.~~ "Residence district" means territory contiguous to a highway not comprising a
24 business district, when the frontage on such highway for a distance of three hundred
25 feet [91.44 meters] or more is occupied mainly by dwellings, or by dwellings and
26 buildings in use for business.
- 27 ~~71.72.~~ "Revocation" means that the operator's license is terminated and may not be renewed
28 or restored, except on application for a new license presented to and acted upon by
29 the director after the expiration of the period of revocation.
- 30 ~~72.73.~~ "Right of way" means the privilege of the immediate use of a roadway.

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- 1 ~~73-74.~~ "Road tractor" means every motor vehicle designed and used for drawing other
2 vehicles and not so constructed as to carry any load thereon either independently or
3 any part of the weight of a vehicle or load so drawn.
- 4 ~~74-75.~~ "Roadway" means that portion of a highway improved, designed, or ordinarily used for
5 vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two
6 or more separate roadways, the term "roadway" as used herein refers to any such
7 roadway separately but not to all such roadways collectively.
- 8 ~~75-76.~~ "Saddle mount" means placing the front wheels of the drawn vehicle upon the bed of
9 the drawing vehicle.
- 10 ~~76-77.~~ "Safety zone" means the area or space officially set aside within a highway for the
11 exclusive use of pedestrians and which is so plainly marked or indicated by proper
12 signs as to be plainly visible at all times while set aside as a safety zone.
- 13 ~~77-78.~~ "Salvage certificate of title" means a document issued by the department for purposes
14 of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor
15 vehicle registration purposes.
- 16 ~~78-79.~~ "Schoolbus" means a commercial motor vehicle used to transport preprimary, primary,
17 or secondary school students from home to school, from school to home, or to and
18 from school-related events. For the purposes of chapter 39-21, "schoolbus" means
19 any motor vehicle that is owned or leased by a public or governmental agency and
20 used to transport primary or secondary school students to or from school or to or from
21 school-related events, or is privately owned and operated for compensation to
22 transport primary or secondary school students to or from school or to or from
23 school-related events. Schoolbus does not include a bus used as a common carrier.
- 24 ~~79-80.~~ "Semitrailer" includes every vehicle of the trailer type so designed and used in
25 conjunction with a truck or truck tractor that some part of its own weight and that of its
26 own load rests upon or is carried by a truck or truck tractor, except that it does not
27 include a "housetrailer" or "mobile home".
- 28 ~~80-81.~~ "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of
29 a roadway, and the adjacent property lines, intended for use of pedestrians.
- 30 ~~81-82.~~ "Solid tire" includes every tire made of rubber or other resilient material other than a
31 pneumatic tire.

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- 1 ~~82-83.~~ "Special mobile equipment" means every vehicle not designed or used primarily for
2 the transportation of persons or property and only incidentally operated or moved over
3 a highway.
- 4 ~~83-84.~~ "Specially constructed vehicle" means any vehicle which was not constructed
5 originally under the distinct name, make, model, or type by a generally recognized
6 manufacturer of vehicles.
- 7 ~~84-85.~~ "Stand" or "standing" means the halting of a vehicle, whether occupied or not,
8 otherwise than temporarily for the purpose of and while actually engaged in receiving
9 or discharging passengers.
- 10 ~~85-86.~~ "State" means a state, territory, or possession of the United States, the District of
11 Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of
12 Canada.
- 13 ~~86-87.~~ "Stop", when required, means complete cessation from movement.
- 14 ~~87-88.~~ "Stop" or "stopping", when prohibited, means any halting, even momentarily, of a
15 vehicle, whether occupied or not, except when necessary to avoid conflict with other
16 traffic or in compliance with the directions of a police officer or traffic-control sign or
17 signal.
- 18 ~~88-89.~~ "Street" means the entire width between boundary lines of every way publicly
19 maintained when any part thereof is open to the use of the public for purposes of
20 vehicular travel.
- 21 ~~89-90.~~ "Superintendent" means the superintendent of the North Dakota state highway patrol,
22 acting directly or through authorized employees of the superintendent.
- 23 ~~90-91.~~ "Suspension" means that the operator's license is temporarily withdrawn but only
24 during the period of the suspension.
- 25 ~~91-92.~~ "Through highway" means every highway or portion thereof on which vehicular traffic
26 is given preferential right of way, and at the entrances to which vehicular traffic from
27 intersecting highways is required by law to yield right of way to vehicles on such
28 through highway and in obedience to either a stop sign or yield sign, when such signs
29 are erected by law.
- 30 ~~92-93.~~ "Trackless trolley coach" means every motor vehicle which is propelled by electric
31 power obtained from overhead trolley wires but not operated upon rails.

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- 1 ~~93.94.~~ "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
2 conveyances either singly or together while using any highway for purposes of travel.
- 3 ~~94.95.~~ "Traffic-control signal" means any device, whether manually, electrically, or
4 mechanically operated, by which traffic is alternately directed to stop and to proceed.
- 5 ~~95.96.~~ "Trailer" includes every vehicle without motive power designed to carry property or
6 passengers wholly on its own structure and to be drawn by a motor vehicle, except
7 that it does not include a "houstrailer" or "mobile home", which terms mean a vehicle
8 as defined in this subsection which is designed and intended for use as living or
9 sleeping quarters for people and which is not used for commercial hauling of
10 passengers.
- 11 ~~96.97.~~ "Travel trailer" means a vehicular unit mounted on wheels, designed to provide
12 temporary living quarters for recreational, camping, or travel use, and of such size or
13 weight as not to require a special highway movement permit when towed by a
14 motorized vehicle.
- 15 ~~97.98.~~ "Truck" includes every motor vehicle designed, used, or maintained primarily for
16 transportation of property.
- 17 ~~98.99.~~ "Truck camper" means a portable unit that is constructed to provide temporary living
18 quarters for recreational, camping, or travel use; consists of a roof, floor, and sides;
19 and is designed to be loaded onto and unloaded from the bed of a pickup truck.
- 20 ~~99.100.~~ "Truck tractor" includes every motor vehicle designed and used primarily for drawing
21 other vehicles and not so constructed as to carry a load other than a part of the weight
22 of the vehicle and load so drawn.
- 23 ~~100.101.~~ "Urban district" means the territory contiguous to and including any street which is built
24 up with structures devoted to business, industry, or dwelling houses situated at
25 intervals of less than one hundred feet [30.48 meters] for a distance of a quarter of a
26 mile [402.34 meters] or more.
- 27 ~~101.102.~~ "Used vehicle" means a motor vehicle which has been sold, bargained, exchanged,
28 given away, or the title to which has been transferred to another, by the person who
29 first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer
30 or importer.

1 ~~402-103.~~ "Vehicle" includes every device in, upon, or by which any person or property may be
2 transported or drawn upon a public highway, except devices moved by human power
3 or used exclusively upon stationary rails or tracks. The term does not include an
4 electric bicycle.

5 **SECTION 2. AMENDMENT.** Section 39-05-02.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-05-02.2. Exclusions from the certificate of title requirement.**

8 A certificate of title need not be obtained for:

- 9 1. A vehicle owned by the United States unless it is registered in this state.
- 10 2. A vehicle owned by a manufacturer or dealer and held for sale, even if incidentally
11 moved on the highway or used for purposes of testing or demonstration, or a vehicle
12 used by a manufacturer solely for testing.
- 13 3. A vehicle owned by a nonresident of this state and not required by law to be registered
14 in this state.
- 15 4. A vehicle regularly engaged in interstate transportation of persons or property which is
16 registered in accordance with the international registration plan and for which a
17 currently effective certificate of title has been issued in another state that has a
18 reciprocal excise tax agreement with this state.
- 19 5. A vehicle moved solely by human or animal power.
- 20 6. Implements of husbandry.
- 21 7. Special mobile equipment.
- 22 8. A self-propelled wheelchair or tricycle for a mobility-impaired individual.
- 23 9. Any vehicle which is driven or moved upon a highway only for the purpose of crossing
24 the highway from one property to another. The vehicle shall cross the highway at an
25 angle of approximately ninety degrees to the direction of the highway.
- 26 10. Other vehicles not required to be registered in this state or not required to display
27 distinctive plates.
- 28 11. A manufactured home with respect to which the requirements of subsections 1
29 through 3 of section 39-05-35, as applicable, have been satisfied.
- 30 12. An electric bicycle.

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

3 **39-10.1-08. Point system not applicable.**

4 Any violation of this chapter, or any moving violation as defined in section 39-06.1-09, or
5 any nonmoving violation as defined in section 39-06.1-08 when committed on a bicycle or an
6 electric bicycle as defined in section 39-01-01, is not cause for the licensing authority to assess
7 points against the driving record of the violator pursuant to section 39-06.1-10. Any other legally
8 authorized penalty for a criminal traffic offense or noncriminal traffic violation is applicable to
9 bicyclists.

10 **SECTION 4.** A new section to chapter 39-10.1 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Electric bicycles.**

- 13 1. Beginning January 1, 2022, any person that manufacturers or distributes an electric
14 bicycle in this state shall affix a permanent label to the electric bicycle which contains
15 the following information in at least nine-point Arial font:
- 16 a. The designated class of the electric bicycle;
17 b. The maximum assisted speed of the electric bicycle; and
18 c. The wattage of the electric bicycle's motor.
- 19 2. Any electric bicycle equipment and manufacturing must be in accordance with the
20 requirements for bicycles provided under 16 CFR part 1512.
- 21 3. An electric bicycle must be equipped so the electric motor can be disengaged or
22 cease to function when the individual operating the electric bicycle stops pedaling or
23 when the brakes are applied.
- 24 4. A person may not tamper with or modify an electric bicycle to change the
25 motor-powered speed capability or engagement of an electric bicycle, unless the label
26 indicating the classification required under subsection 1 is replaced after modification.
- 27 5. Unless otherwise prohibited by a governmental entity having jurisdiction, an individual
28 may operate an electric bicycle on any bicycle path or multi-use path.
- 29 6. An individual operating a class 3 electric bicycle shall ensure the bicycle is equipped
30 with a functioning speedometer.

- 1 7. An individual under the age of eighteen may not operate a class 3 electric bicycle
2 unless the individual is wearing a safety helmet.

3 **SECTION 5. AMENDMENT.** Subsection 5 of section 39-16-01 of the North Dakota Century
4 Code is amended and reenacted as follows:

- 5 5. "Motor vehicle" includes every self-propelled vehicle, including trailers and semitrailers
6 designed for use with these vehicles. The term does not include special mobile
7 equipment or an electric bicycle.

8 **SECTION 6. AMENDMENT.** Subsection 2 of section 39-29-01 of the North Dakota Century
9 Code is amended and reenacted as follows:

- 10 2. "Off-highway vehicle" means any motorized vehicle not designed for use on a highway
11 and capable of cross-country travel on land, snow, ice, marsh, swampland, or other
12 natural terrain. The term does not include an electric bicycle. An off-highway vehicle
13 must be classified into one of the following categories:
- 14 a. Class I off-highway vehicle is a vehicle that does not qualify as road capable
15 under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled
16 by the operator, and has handlebars for steering control of two wheels.
- 17 b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width,
18 weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels
19 on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or
20 less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels
21 on four or more nonhighway tires.
- 22 c. Class III off-highway vehicle weighs less than eight thousand pounds
23 [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a
24 seat; has a wheel, handlebars, or t steering for steering control; and is
25 designated for or capable of cross-country on or over land, water, sand, snow,
26 ice, marsh, swampland, or other natural terrain, but does not include a vehicle
27 registered by the department under chapter 39-04 or 39-24.

28 **SECTION 7. AMENDMENT.** Subsection 2 of section 57-40.3-01 of the North Dakota
29 Century Code is amended and reenacted as follows:

- 30 2. "Motor vehicle" includes every vehicle that is self-propelled and every vehicle that is
31 propelled by electric power obtained from overhead trolley wires, but not operated

1 upon rails, every trailer, semitrailer, park model trailer as defined in subsection 2 of
2 section 57-55-10, off-highway vehicle, snowmobile, low-speed vehicle, and travel
3 trailer for which a certificate of title is required to be obtained under chapter 39-05, but
4 not including housetrailers or mobile homes. The term does not include an electric
5 bicycle.