

SENATE BILL NO. 2312

Introduced by

Senators Sinner, Laffen

1 A BILL for an Act to create and enact chapter 39-29.3 of the North Dakota Century Code,
2 relating to autocycles; and to provide a penalty.

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

4 **SECTION 1.** Chapter 39-29.3 of the North Dakota Century Code is created and enacted as
5 follows:

6 **39-29.3-01. Definitions.**

7 Unless the context requires otherwise, the definitions in this section apply to the chapter.

- 8 1. "Autocycle" means a motor vehicle that is designed to travel on at least three wheels
9 in contact with the ground, has an unladen weight of at least three hundred pounds
10 [136.08 kilograms] but less than eight thousand pounds [3628.7 kilograms], has a
11 permanent upright seat for the driver which is mounted at least six inches
12 [15.24 centimeters] from the ground, has a steering device for front wheel steering
13 control, is capable of speeds in excess of sixty-five miles [104.61 kilometers] per hour,
14 complies with equipment listed in chapter 39-21 or 39-27, as appropriate, and has an
15 identification number. The term does not include a motor vehicle that may otherwise
16 be registered under this title.
- 17 2. "Identifying number" means the vehicle identification numbers and letters, if any,
18 assigned by the manufacturer or by the department for the purpose of identifying a
19 vehicle. The term includes any numbers or letters assigned by the manufacturer for
20 the purpose of identifying a part of a vehicle or any number placed on a part of the
21 vehicle, in accordance with this chapter or rules of the department, for the purpose of
22 identifying the vehicle.
- 23 3. "Three-wheel autocycle" means an autocycle that has a steering device and seating
24 that does not require the operator to straddle or sit astride it.

1 **39-29.3-02. Traffic laws - Operation of autocycle.**

2 An individual operating an autocycle is granted all of the rights and is subject to all of the
3 duties applicable to the driver of any other vehicle under this title, except as to special
4 regulations in this chapter and except as to those provisions of this title that by their nature
5 cannot have any application.

6 **39-29.3-03. Operation of autocycle on roadways laned for traffic.**

- 7 1. An autocycle is entitled to full use of a lane on a highway.
8 2. An autocycle operator may not overtake and pass in the same lane occupied by a
9 vehicle being overtaken.

10 **39-29.3-04. Autocycle operation - Equipment.**

- 11 1. An autocycle operator shall have the autocycle equipped with safety glass or a
12 windshield at all times while operating the vehicle.
13 2. a. An operator and any passenger under the age of eighteen shall wear protective
14 helmets, except that an operator and a passenger riding on an autocycle that has
15 a nonremovable roof, a windshield, and an enclosed body are not required to
16 wear protective helmets.
17 b. If the operator of an autocycle is required to wear a safety helmet, any passenger
18 must also wear a safety helmet regardless of the passenger's age.
19 c. A helmet violation under this subsection has the same penalty as driving a
20 motorcycle without a helmet.
21 3. Operators and passengers in an autocycle are required to comply with seatbelt use
22 laws.

23 **39-29.3-05. Certificate of title for autocycle.**

24 The department shall issue a certificate of title for an autocycle in accordance with section
25 39-05-05.

26 **39-29.3-06. Registration of autocycle.**

- 27 1. An individual may not operate an autocycle on public roadways unless the vehicle has
28 been registered under this chapter.
29 2. The department shall design and furnish an application that must be used to register
30 an autocycle. The registration must state the name and address of every owner of the

1 autocycle and must be signed by at least one owner. A copy of the application is
2 evidence of registration for the first thirty days after the date of application.

3 3. The fee for registration of an autocycle is fifty dollars per year. For a duplicate or
4 replacement registration number or for a registration card that is lost, mutilated, or
5 becomes illegible, the department may charge a fee of not more than five dollars.

6 4. To renew a registration, the owner of an autocycle shall follow the procedure adopted
7 by the department and pay the registration fee.

8 5. The department shall issue a plate in the same manner as a plate is issued to a
9 motorcycle.

10 6. Funds collected from registration must be deposited in the motor vehicle registration
11 fund.

12 **39-29.3-07. Operation of autocycle - Licensed driver.**

13 To operate an autocycle on a highway, the operator must be a licensed driver.

14 **39-29.3-08. Manufacturer's or distributor's certification.**

15 1. The manufacturer or distributor shall certify that an autocycle is designed and
16 manufactured for use upon public highways and complies with the performance and
17 equipment requirements, and the rules of this chapter.

18 2. The certificate must be incorporated on the manufacturer's statement of origin upon
19 transfer of vehicle ownership.

20 **39-29.3-09. Frame-chassis - Requirements.**

21 1. The autocycle frame-chassis, including the suspension components and engine
22 mountings, must be of substantial construction, capable of supporting the combined
23 weight of all vehicle components for which and riders for whom the vehicle is
24 designed, and must withstand normal road shocks and operational stresses, without
25 constituting a hazard to the riders or other users of the highway.

26 2. The wheelbase may not be less than forty inches [101.6 centimeters].

27 **39-29.3-10. Brakes.**

28 1. Every autocycle must have either a split service brake system or two independently
29 actuated service brake systems, in accordance with rules adopted by the director
30 pursuant to chapter 28-32. Brakes must act on the front and rear wheels.

- 1 2. Every autocyple must meet the requirements for brake system effectiveness, fade, and
2 partial systems, as specified in rules adopted by the director under chapter 28-32.
- 3 3. All linkages, cables, pivots, and bearings must be free of excess friction, with the front
4 wheel brake cable located and secured so as not to become pinched between the fork
5 and frame members when the wheel is turned completely to the right or left.
- 6 4. Brake actuating devices must be in an accessible location, unencumbered by vehicle
7 components, and positioned so that adequate leverage and safe operation is ensured.
8 Service brake system controls and operation requirements must be in accordance with
9 rules adopted by the director pursuant to chapter 28-32. A suitable mechanism must
10 be provided for the purpose of automatically returning the actuating devices to normal
11 position upon release.
- 12 5. Autocyple brakes must be capable of being adjusted automatically or manually with
13 means provided to prevent unintentional adjustment.
- 14 6. Each three-wheel autocyple must be equipped with an emergency or parking brake of
15 a friction type, with a solely mechanical means to retain engagement.
- 16 7. The brake system on an autocyple should be capable of stopping within a distance of
17 thirty feet on a dry, hard, approximately level stretch of highway that is free from loose
18 material at all times and under all conditions, at a speed of twenty miles per hour.

19 **39-29.3-11. Brakes on motor-driven cycle.**

20 The department may require an inspection of the brake on any motor-driven cycle and may
21 disapprove any brake that is not designed or constructed so as to ensure reasonable and
22 reliable performance in actual use.

23 **39-29.3-12. Tires, wheels, and rims.**

- 24 1. Autocyple tires must be of pneumatic design, with a minimum width of two and
25 twenty-five hundredths inches [57.15 millimeters], and must be designed for highway
26 use.
- 27 2. Tires on a three-wheel autocyple must have a load capacity rating at least equal to the
28 respective gross axle weight ratings. Each tire on the front or rear axle of a three-
29 wheel autocyple must have a load capacity rating at least equal to one-half the front or
30 rear axle gross axle weight rating.

1 3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or must
2 comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle
3 Safety Standards, and must comply with applicable state standards, as promulgated
4 by the director.

5 **39-29.3-13. Steering and suspension systems.**

6 1. Autocycle steering and suspension systems must be designed and engineered to
7 provide the operator with the means of safely controlling the autocycle's direction
8 under all maneuvers required for normal and safe operation.

9 2. On a three-wheel autocycle, the midpoint of the front or rear wheel track distance must
10 be within one inch [2.54 centimeters] of the single front or single rear wheel track when
11 the vehicle is proceeding on a straight course. The vehicle must be equipped with an
12 adjustment feature that will provide proper wheel tracking.

13 3. The steering head must be provided with a bearing or similar device that will allow the
14 steering shaft to turn freely in rotational motion only.

15 4. An autocycle must meet the following specifications in relationship to front wheel
16 geometry:

17 a. Maximum:

18 (1) Rake - Forty-five degrees; and

19 (2) Trail - Fourteen inches [35.56 centimeters] positive.

20 b. Minimum:

21 (1) Rake - Twenty degrees; and

22 (2) Trail - Two inches [5.08 centimeters] positive.

23 5. Manufacturer's specifications must include the specific rake and trail for each
24 autocycle. The terms "rake" and "trail" must be defined by the director by rules
25 adopted pursuant to chapter 28-32.

26 6. The steering device must be of sturdy construction, adequate in size to provide proper
27 leverage for steering, and capable of withstanding a minimum force of one hundred
28 pounds [45.36 kilograms] applied to each handgrip, if so equipped, in any direction.
29 Steering device grips may not be located above the shoulder height of the seated
30 operator. The steering device must provide a minimum of eighteen inches
31 [45.72 centimeters] between each grip, after final assembly.

1 7. The steering device must be equipped with material and surface patterns to ensure
2 firm, nonslip gripping for the driver.

3 8. Every autocycle must be equipped with a suspension system. The suspension system
4 must be effective in reducing road shock and designed for the purpose of maximizing
5 vehicle stability.

6 **39-29.3-14. Fuel system.**

7 1. All fuel system components, including the tank, pump, tubing, hoses, and clamps must
8 be securely fastened to the autocycle, so as not to interfere with its operation and
9 must be leak-proof when the vehicle is in its normal operating attitude.

10 2. Fuel lines must be positioned so as to prevent their contact with the engine head,
11 manifold, exhaust system, or other high-temperature surfaces, or with moving
12 components. The fuel system must be adequately vented and provided with a fuel
13 shutoff valve located between the fuel supply and the engine.

14 **39-29.3-15. Exhaust system - Prevention of noise.**

15 1. Autocycles must be equipped with an exhaust system incorporating a muffler or other
16 mechanical device, for the purpose of effectively reducing engine noise.

17 2. Cutouts and bypasses in the exhaust system are prohibited.

18 3. The system must be leakproof and all components must be securely attached to the
19 vehicle and located so as not to interfere with the operation of the autocycle.

20 4. Shielding must be provided to prevent inadvertent contact with the exhaust system by
21 the operator or passenger during normal operation.

22 5. An autocycle operating on streets and highways must meet the noise decibel
23 limitations as established by the environmental protection agency.

24 6. A person may not sell, offer for sale, or install any noise suppressing system or device,
25 which will produce noise in excess of the maximum allowable decibel limitations set
26 forth in this section.

27 **39-29.3-16. Mirror.**

28 Every autocycle must be equipped with two mirrors, securely affixed and capable of
29 adjustment within a range that will reflect an image that includes at least the horizon and the
30 road surface to the rear of the autocycle. A mirror must consist of a minimum reflective surface

1 of ten square inches [64.52 square centimeters]. A mirror may not contain sharp edges or
2 projections capable of producing injury.

3 **39-29.3-17. Fenders.**

4 Each wheel of an autocytle must be equipped with fenders or otherwise covered by the
5 body configuration. Fenders must be securely mounted and of sufficient size and strength to
6 minimize water or other road surface substances from coming in contact with the vehicle riders,
7 or throwing the road substances unreasonably to the rear of the vehicle. The fender design
8 must be effective in reducing side spray.

9 **39-29.3-18. Seat.**

10 A seat securely attached to the vehicle must be provided for the use of the operator. The
11 seat may not be less than six inches [15.24 centimeters] above a level road surface when
12 measured to the lowest point on top of the seat cushion with the operator seated in a driving
13 position. The seat adjustment locking device must prevent relative movement of the seat from
14 its selected and secured position under all normal vehicle operating conditions.

15 **39-29.3-19. Glazing.**

16 When equipped, an autocytle windscreen and windshield must meet the following
17 standards:

- 18 1. The glazing material must comply with the standards promulgated by rule of the
19 director;
- 20 2. The metal support must be of a material that bends rather than fragments under
21 impact; and
- 22 3. Any covering material, other than glazing, must be beaded at the edges to prevent
23 fraying.

24 **39-29.3-20. Horn.**

25 Every autocytle must be equipped with a horn, in good working order, as described by
26 subsection 1 of section 39-21-36. The horn must operate from a control located on the steering
27 device.

28 **39-29.3-21. Speedometer and odometer.**

29 Every autocytle must be equipped with a properly operating speedometer and an
30 odometer, calibrated in miles or kilometers per hour respectively, and must be fully illuminated
31 when the headlamp is activated.

1 **39-29.3-22. Lighting equipment.**

- 2 1. A autocyple must be equipped with lamps, reflective devices, and associated
3 equipment, as required by and in compliance with standards adopted by rule of the
4 director.
- 5 2. A gearbox indicator light, if provided, must be located within the operator's field of
6 vision.
- 7 3. A headlamp beam indicator light must be located within the operator's field of vision
8 and illuminated automatically when the high beam of the headlamp is actuated.
- 9 4. An autocyple must be equipped with at least one tail lamp, in accordance with section
10 39-21-04.
- 11 5. An autocyple must be equipped with a stop lamp, in accordance with subsection 1 of
12 section 39-21-19.
- 13 6. A autocyple must be equipped with hazard warning signals in accordance with section
14 39-21-19.1.

15 **39-29.3-23. Headlamps.**

- 16 1. The headlamp or headlamps on an autocyple must be a multiple-beam type.
- 17 2. The headlamp or headlamps on an autocyple must be of sufficient intensity to reveal a
18 person or a vehicle at a distance of not less than:
- 19 a. One hundred feet [30.48 meters], when the autocyple is operated at any speed
20 less than twenty-five miles [40.23 kilometers] per hour;
- 21 b. Two hundred feet [60.96 meters], when the autocyple is operated at a speed of
22 twenty-five miles [40.23 kilometers] per hour, but less than thirty-five miles
23 [56.33 kilometers] per hour; and
- 24 c. Three hundred feet [91.44 meters], when the autocyple is operated at a speed of
25 thirty-five miles [56.33 kilometers] per hour, or more.
- 26 3. A motor-driven cycle must be equipped with a multiple-beam headlamp that meets the
27 minimum requirements set forth above and may not exceed the limitations set forth in
28 subsection 1 of section 39-21-20 and the lowermost beam must meet the
29 requirements applicable to a lowermost distribution of light as set forth in subsection 2
30 of section 39-21-20.

1 **39-29.3-24. Passenger seat.**

2 An auticycle designed to carry more than one person must be equipped with a securely
3 mounted seat for each passenger. The seat must be located to the side or rear of the driver so
4 that the passenger seat does not interfere with the driver's control or operation of the vehicle.

5 **39-29.3-25. Equipment approval.**

6 An auticycle lighting device, electrical system, brake component, glazing material, and
7 exhaust system, incorporating a muffler or other mechanical exhaust device, required or
8 optional, must be approved by the department before becoming available for use within the
9 state.