

New Hampshire State Laws Pertaining To Riding a Bicycle. Current as of Oct 30, 2020; most but not all laws mentioning bicycles are included below. For current laws, <http://www.gencourt.state.nh.us/rsa/html/nhtoc/nhtoc-xxi-265.htm> and <http://www.gencourt.state.nh.us/rsa/html/nhtoc/nhtoc-xxi-266.htm> First compiled by Charlie Sullivan for the Hanover Bicycle and Pedestrian Committee April 21, 2009 and updated by Jennie Chamberlain in Oct 30, 2020 for Hanover Bike Walk.

# **TITLE XX**

## **TRANSPORTATION**

### **CHAPTER 230**

#### **STATE HIGHWAYS**

#### **Planning and Laying Out Bicycle Routes**

##### **Section 230:74**

###### **230:74 Definitions. –**

As used in this subdivision:

- I. "Bicycle" means every vehicle propelled solely by human power upon which any person may ride, having 2 tandem wheels, except scooters and similar devices.
- II. "Bicycle route" means any lane, way, path or trail designated by appropriate signs, that explicitly provides for bicycle travel.
- III. "Bicycle lane" means a portion of a roadway which has been designated for the preferential or exclusive use of bicycles. It is distinguished from the portion of the roadway for motor vehicular traffic by a paint stripe or similar device. Improved road edges are considered a bicycle lane where so designated.
- IV. "Bicycle path or trail" means a separate trail or path which is for the exclusive use of bicycles where a trail or path forms a part of a highway, which is separated from the roadway for motor vehicular traffic by an open space or barrier.

**Source.** RSA 250:26. 1979, 486:2. 1981, 87:1, eff. April 20, 1981; 337:1, 2, eff. Aug. 16, 1981.

##### **Section 230:75**

###### **230:75 Commissioner of Transportation; Powers and Duties. –**

In addition to the powers and duties of the commissioner of transportation under this title, the commissioner:

- I. May expend the amounts necessary for the establishment, operation and maintenance of bicycle routes and lanes and may expend amounts necessary for bicycle paths or trails.

- II. May acquire by purchase, gift or condemnation in accordance with the procedures established pursuant to this title and RSA 498-A, any real property or interest therein that shall be necessary or appropriate for the development of bicycle routes.
- III. May enter into written cooperative agreements with landowners, federal agencies, state agencies, local governments, private organizations and individuals in order to provide for the development, maintenance, operation, location and relocation of a bicycle route.
- IV. May publish and exhibit rules concerning the use of a bicycle route in accordance with the provisions of RSA 541-A.
- V. May provide a uniform system of designating bicycle routes consistent with the purposes of this subdivision and submit bicycle route plans for inclusion in any highway plan, whether or not the highway plan is for new construction or reconstruction of an existing highway.
- VI. May recommend construction standards for bicycle routes and determine priority of routes to receive state funding using the guidelines established by the bicycle study.
- VII. May provide technical assistance, in conjunction with other public agencies, in planning and developing bicycle routes.
- VIII. May assist and cooperate with regional planning commissions, municipal governments, other state agencies and citizens' groups in the development and construction of local and regional bicycle projects and in the application for any funds available for such projects.
- IX. Shall evaluate the standards established for bicycle route construction or along the edges of rural highways in light of the economic, aesthetic, and environmental concerns. As part of his study the commissioner shall consider:
- (a) The minimum improvement to the shoulder or road edge necessary to provide a travel lane of adequate width for safe maneuvering for bicycles.
- (b) The minimum warrants that must exist to provide the construction of a separate bike path or trail.
- X. Shall construct any bicycle route, lane, path or trail with suitable materials to provide a hard surface.

**Source.** RSA 250:27. 1979, 486:2. 1981, 87:1; 337:3-5. 1985, 402:6, I(b)(2).

## **Section 230:76**

**230:76 Cooperation Among Agencies.** – For the purposes of this subdivision the department of natural and cultural resources shall assist the commissioner of transportation in matters relating to recreational use and the availability of government funds which may be used for purposes of this subdivision. The department of safety shall assist the commission in matters relating to bicycle safety.

**Source.** RSA 250:28. 1979, 486:2. 1981, 87:1. 1985, 402:6, I(b)(2). 2017, 156:14, I, eff. July 1, 2017.

## **Section 230:77**

**230:77 Bicycle Highways.** – The department of transportation shall design, locate and erect suitable signs to mark the bicycle paths or trails established pursuant to the provisions of RSA 12-B:4 along class I, II, III and IV highways so designated as bicycle paths and trails.

**Source.** RSA 231:9. 1973, 569:2. 1981, 87:1; 337:6. 1985, 402:6, I(a)(2).

## **CHAPTER 265**

### **RULES OF THE ROAD**

#### **Overtaking and Passing, Highway Markings, Right of Way**

##### **Section 265:22**

###### **265:22 Highway Markings. –**

I. The commissioner of transportation and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of ways, by painted lines, as is deemed necessary to the safe and efficient use of any such way. In ordering or approving such marking the commissioner of transportation insofar as is practicable shall conform to nationally accepted standards and any marking of the way by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of transportation. When the single center line highway marking method is used, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way in such driver's lane by order of or with the approval of said commissioner except:

- (a) In an emergency; or
- (b) To permit ingress or egress to side roads or property adjacent to the highway; or
- (c) In case such driver has an unobstructed view and can see the end of the said unbroken painted line; or
- (d) In order to pass a pedestrian [or a device moved by human power, including a bicycle](#), skateboard, or foot-scooter, provided such movement can be made safely.

II. The fine for a violation of this section shall be \$100.

**Source.** RSA 262-A:21. 1963, 330:1. 1981, 146:1. 2004, 257:33. 2005, 177:46, eff. July 1, 2005. 2018, 46:1, eff. July 14, 2018.

#### **Pedestrians' Rights and Duties**

##### **Section 265:37**

**265:37 Drivers to Exercise Due Care. –** Notwithstanding the foregoing provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian [or any person propelling a human-powered vehicle](#) and

shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

**Source.** 1915, 129:6. 1921, 119:11. PL 103:13. RL 119:22. RSA 263:44. 1963, 330:1. RSA 262-A:35. 1981, 146:1; 479:36, eff. Jan. 1, 1982 at 12:01 a.m.

## **Speed Limitations**

### **Section 265:64**

#### **265:64 Minimum Speed Regulation. –**

I. No person shall drive a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Under this provision a minimum speed limit of 45 miles per hour shall be posted and prevail on the interstate highway system in the state.

II. Whenever the commissioner of transportation determines on the basis of engineering and traffic investigation that slow speeds on any part of a way consistently impede the normal and reasonable movement of traffic, said commissioner may determine and declare a minimum prima facie speed limit.

**Source.** 1937, 125:2. RL 119:31. RSA 263:55. 1955, 119:1. 1963, 330:1. RSA 262-A:57. 1971, 202:1. 1981, 146:1, eff. Jan. 1, 1982.

### **Section 265:65**

**265:65 Special Speed Limitation on Motor-driven Cycles. –** No person shall drive any motor-driven cycle in the night time at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a lighted headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

**Source.** RSA 262-A:58. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

## **Special Rules for Bicycles and Mopeds**

### **Section 265:143**

#### **265:143 Application of Motor Vehicle Laws to Bicycles. –**

I. Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the

rules of the road, except as provided in paragraph II and as to special regulations in this subdivision and except as to those provisions which by their nature can have no application.

II. (a) Any peace officer, wearing a distinctive uniform, operating a bicycle during the course of his or her duties is exempt from the provisions of this subdivision, except as those provisions relate to driving under the influence of alcoholic beverages or drugs, if the bicycle is being operated under any of the following circumstances:

(1) In response to an emergency call.

(2) While engaged in a rescue operation.

(3) In the immediate pursuit of an actual or suspected violator of the law.

(b) This paragraph shall not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the public way.

**Source.** 1939, 164:1. RL 106:17. 1945, 188:1, part 20:17. RSA 250:17. 1973, 440:1. 1981, 146:1; 422:9. 2000, 63:1, eff. June 16, 2000.

## **Section 265:143-a**

**265:143-a Drivers to Exercise Due Care When Approaching Bicycle.** – Every driver of a vehicle, when approaching a bicyclist, shall insure the safety and protection of the bicyclist and shall exercise due care by leaving a reasonable and prudent distance between the vehicle and the bicycle. The distance shall be presumed to be reasonable and prudent if it is at least 3 feet when the vehicle is traveling at 30 miles per hour or less, with one additional foot of clearance required for every 10 miles per hour above 30 miles per hour.

**Source.** 2008, 209:2, eff. Jan. 1, 2009.

## **Section 265:144**

### **265:144 Riding on Bicycles. –**

I. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

II. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

III. No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

IV. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

V. Persons riding bicycles 2 or more abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

VI. Bicyclists intending to turn right or left shall not be required to give a continuous hand or arm signal if the hand is needed in the control or operation of the bicycle.

VII. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety. A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.

VIII. Any bicyclist shall stop upon demand of a peace officer and permit his bicycle to be inspected.

IX. No bicycle shall be operated unless the steering, brakes, tires and other required equipment are in safe condition.

X. No person less than 16 years of age may operate or ride upon a bicycle on a public way unless he or she wears protective headgear of a type approved by the commissioner of health and human services.

XI. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe to do so or:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing for or making a left turn at an intersection or into a driveway.

(c) When proceeding straight in a place where right turns are permitted.

(d) When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement, glass, sand, puddles, ice, or opening doors of parked vehicles.

XII. A bicyclist shall wear at least one item of reflective outerwear apparel, such as a reflective vest, jacket, or helmet strip, during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

**Source.** RSA 250:17-a. 1973, 440:2. 1981, 146:1; 422:10. 2005, 100:2. 2008, 209:3, 4, eff. Jan. 1, 2009.

## **Section 265:144-a**

### **265:144-a Electric Bicycles. –**

I. Except as otherwise provided in this section, electric bicycles and operators of electric bicycles shall be afforded all the rights and privileges, and shall be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric bicycle is a vehicle to the same extent as a bicycle.

II. An electric bicycle or a person operating an electric bicycle shall not be subject to the provisions of this title relating to financial responsibility, drivers' licenses, registration, certificates of title, off highway recreational vehicles, and license plates. An electric bicycle is not a motor vehicle for these purposes.

III. On and after January 1, 2020, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in arial font in at least 9-point type.

IV. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless he or she appropriately replaces the label indicating the classification required pursuant to paragraph III.

V. An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission in 16 C.F.R. section 1512.

VI. An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

VII. An electric bicycle may be operated wherever a bicycle may be operated, subject to the following limitations:

(a) A class 1 or class 2 electric bicycle may be ridden on bicycle paths or on multi-use paths where bicycles are permitted. However, a city, town, or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 or class 2 electric bicycle on that path.

(b) A class 3 electric bicycle shall not be ridden on a bicycle or multi-use path unless it is within or adjacent to a highway or roadway, or unless a city, town, or state agency having jurisdiction over the path permits the operation of class 3 electric bicycles on that path.

VIII. The provisions of paragraph VII shall not apply to a trail designated as non-motorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing materials. A city, town, or state agency with jurisdiction over such a trail may regulate the use of electric bicycles on such a trail.

IX. No person less than 16 years of age may operate a class 3 electric bicycle. A person less than 16 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

X. No person less than 18 years of age may ride or sit as a passenger on a class 3 electric bicycle unless he or she wears a properly-fitted and fastened bicycle helmet that meets standards provided by either the United States Consumer Product Safety Commission or the American Society for Testing and Materials, or standards subsequently established by those entities.

XI. All class 3 electric bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

**Source.** 2019, 93:11, eff. Aug. 18, 2019.

## **Section 265:145**

**265:145 Clinging to Vehicles Prohibited.** – No person riding a motorcycle, bicycle, moped, coaster, sled, skateboard, or toy vehicle, or wearing roller skates, shall hold fast to, or hitch onto any streetcar, or any other vehicle moving upon a way.

**Source.** 1939, 164:1. RL 106:18. 1945, 188:1, part 20:18. RSA 250:18. 1981, 146:1. 1983, 431:12, eff. Aug. 23, 1983.

## **Section 265:146**

**265:146 Permits.** – The mayor of a city, or selectmen of a town, may, in their discretion, upon any special occasion, grant permits to any persons to ride bicycles or mopeds, at any rate of speed, for a time not exceeding one day upon specified portions of the public ways of such city or town, and may annex such other reasonable conditions to such permits as they may deem proper.

**Source.** 1897, 93:3. PL 90:16. RL 106:16. 1945, 188:1, part 20:16. RSA 250:16. 1981, 146:1, eff. Jan. 1, 1982.

## **Section 265:149**

**265:149 Ordinances and Bylaws.** – Any city or town shall have the power to make ordinances, bylaws or regulations respecting the use and equipment of bicycles, except mopeds

as defined in RSA 259:57, on its ways, provided that any such ordinances, bylaws or regulations enacted with respect to such equipment shall be at least as stringent as the requirements of RSA 266:85-89. Any city or town may require that bicycles, except mopeds as defined in RSA 259:57, be licensed and may charge reasonable fees for such licensing.

**Source.** 1939, 164:2. RL 106:19. 1945, 188:1, part 20:19. 1953, 154:1. RSA 250:19. 1971, 319:2. 1976, 4:3. 1981, 146:1; 422:13, eff. Jan. 1, 1982 at 12:01 a.m.

## **Section 265:150**

**265:150 Penalty.** – Any person violating the provisions of RSA 265:145 or any ordinance, bylaw, or rule made under the provisions of RSA 265:149, shall be deprived of his bicycle or moped by the law enforcement agents until such provisions and requirements have been complied with.

**Source.** 1939, 164:3. RL 106:20. 1945, 188:1, part 20:20. 1953, 154:2. RSA 250:20. 1981, 146:1, eff. Jan. 1, 1982.

## **Section 265:151**

**265:151 Limitation of Prosecution.** – Prosecutions under this subdivision shall be instituted within 60 days from the time the offense was committed.

**Source.** 1897, 93:4. PL 90:17. RL 106:21. 1945, 188:1, part 20:21. RSA 250:21. 1981, 146:1, eff. Jan. 1, 1982.

## **Section 265:152**

### **265:152 Bicycle Parking.** –

I. A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.

II. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

III. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

IV. In all other respects, bicycles parked on a way shall conform with provisions of law regulating the parking of vehicles.

**Source.** 1981, 422:14, eff. Jan. 1, 1982 at 12:01 a.m.

## **Section 265:153**

### **265:153 Penalty.** –

I. Any person violating the provisions of this subdivision or of any ordinance, bylaw or rule made under the provisions of this subdivision shall be guilty of a violation.

II. The maximum fine for a violation of RSA 265:144, X shall be \$35 for each occurrence.

III. The fine for a violation of RSA 265:143-a shall be \$100.

**Source.** 1981, 422:14. 2005, 100:3. 2008, 209:5, eff. Jan. 1, 2009.



# **Bicycles and Mopeds**

## **Section 266:85**

**266:85 Application of Chapter to Bicycles.** – No preceding provision of this chapter shall apply to bicycles nor to equipment for use on bicycles unless a provision has been made specifically applicable to bicycles or their equipment.

**Source.** 1981, 479:57, eff. Jan. 1, 1982 at 12:01 a.m.

## **Section 266:86**

**266:86 Headlamp Required at Night.** – Every bicycle operated upon any way during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector on the rear of a type approved by the director, which shall be visible from a distance of 300 feet to the rear when directly in front of the lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from 300 feet to the rear may be used in addition to the red reflector. Every moped driven upon any way during darkness shall be equipped with one headlamp which meets the specifications for headlamps established in RSA 266:31. Taillamps and stop lamps are required on mopeds.

**Source.** RSA 250:11-d. 1971, 319:1. 1981, 146:1; 479:57, eff. Jan. 1, 1982 at 12:01 a.m.

## **Section 266:87**

**266:87 Pedal Reflectors and Reflective Equipment Required.** –

I. No person shall operate a bicycle, except for a bicycle equipped with clipless pedals, or moped unless such bicycle or moped has pedals equipped with a reflector of a type approved by the director which conform to 49 CFR 571.108 Table 2 and which shall be visible from the front and rear of the bicycle or moped from a distance of 200 feet during darkness.

II. No person, during darkness, shall operate a bicycle equipped with clipless pedals unless the operator is wearing either reflectorized leg bands on the lower exterior of the operator's legs or some other type of light reflective equipment on the exterior of either the operator's legs or shoes.

**Source.** RSA 250:11-e. 1971, 319:1. 1981, 146:1; 479:57. 1983, 431:14. 2000, 126:1, eff. July 7, 2000.

## **Section 266:88**

**266:88 Brake Required.** – Every bicycle and moped shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or moped within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

**Source.** RSA 250:11-a. 1971, 319:1. 1981, 146:1; 479:57, eff. Jan. 1, 1982 at 12:01 a.m.

## **Section 266:89**

**266:89 Sirens Prohibited.** – No bicycle or moped shall be equipped with a siren, nor shall any person on a bicycle or moped use a siren.

**Source.** 1981, 479:57, eff. Jan. 1, 1982 at 12:01 a.m.