

SENATE BILL NO. 2189

Introduced by

Senators Thane, Kilzer, Kringstad

Representative Niemeier

1 A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code,
2 relating to use of safety belts in motor vehicles; and to repeal section 39-21-41.5 of the North
3 Dakota Century Code, relating to secondary enforcement of safety belt requirements.

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

5 **SECTION 1. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement.**

8 Subject to the limitations of this section ~~and section 39-21-41.5~~, a driver may not operate upon
9 a highway a motor vehicle designed for carrying fewer than eleven passengers, which was
10 originally manufactured with safety belts unless each front seat occupant is wearing a properly
11 adjusted and fastened safety belt. This section does not apply to a child in a child restraint or
12 seat belt in accordance with section 39-21-41.2; to drivers of implements of husbandry; to
13 operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural mail carriers
14 while on duty delivering mail; to an occupant with a medical or physically disabling condition
15 that prevents appropriate restraint in a safety belt, if a qualified physician states in a signed
16 writing the nature of the condition and the reason restraint is inappropriate; or when all front
17 seat safety belts are in use by other occupants. A physician who, in good faith, provides a
18 statement that restraint would be inappropriate is not subject to civil liability.

19 **SECTION 2. REPEAL.** Section 39-21-41.5 of the North Dakota Century Code is
20 repealed.