

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1253

Introduced by

Representatives Delmore, Gulleson, Warnke

Senators Christenson, Fischer, Nelson

1 A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 39-06.1-06,
2 paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10, and section 39-21-41.2 of
3 the North Dakota Century Code, relating to child restraint devices; and to provide an effective
4 date.

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

6 **SECTION 1. AMENDMENT.** Subdivision c of subsection 2 of section 39-06.1-06 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 c. A violation of section 39-21-41.2, ~~no a fee may be imposed by the state, a~~
9 ~~city, or a county including a city or county operating under a home rule charter~~
10 ~~of twenty-five dollars.~~

11 **SECTION 2. AMENDMENT.** Paragraph 34 of subdivision a of subsection 3 of section
12 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

13 (34) Failing to have a minor in a child 1 point
14 restraint system or ~~seatbelt~~ safety belt in
15 violation of section 39-21-41.2

16 **SECTION 3. AMENDMENT.** Section 39-21-41.2 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-21-41.2. Child restraint devices - Evidence.**

19 1. If a child, under ~~four~~ six years of age, is present in any motor vehicle, that motor
20 vehicle must be equipped with at least one child restraint system for each such
21 child. ~~The child restraint system must meet the standards adopted by the United~~
22 ~~States department of transportation for those systems [49 CFR 571.213].~~ While
23 the motor vehicle is in motion, each such child must be properly secured in the
24 child restraint system in accordance with the manufacturer's instructions. If a child

1 weighs more than forty pounds [18.14 kilograms] and only lapbelts are available in
2 the back seat of the vehicle, a lapbelt may be used in place of a child restraint
3 system.

4 2. While the motor vehicle is moving, each child of ~~four~~ six through seventeen years
5 of age who is in the motor vehicle must be in an approved child restraint system in
6 accordance with the manufacturer's instructions or correctly buckled in a ~~seatbelt~~
7 safety belt.

8 3. Use of child restraint systems and ~~seatbelts~~ safety belts is not required in motor
9 vehicles that were not equipped with ~~seatbelts~~ safety belts when manufactured. If
10 all of the ~~seatbelts~~ safety belts are used by other family members in the vehicle or
11 if a child is being transported in an emergency situation, this section does not
12 apply.

13 4. As used in this section, "child restraint system" means a specifically designed
14 device, seating system, or belt-positioning booster that meets the federal motor
15 vehicle safety standards and which is permanently affixed to a motor vehicle, is
16 affixed to a vehicle by a safety belt or universal attachment system, or is combined
17 with a federally compliant safety belt system.

18 2. 5. Violation of this section is not, in itself, evidence of negligence. The fact of a
19 violation of this section is not admissible in any proceeding other than one
20 charging the violation.

21 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on January 1, 2004.