

HOUSE BILL NO. 1329

Introduced by

Representatives Sanford, N. Johnson, J. Nelson, Rohr, Wall, Amerman

Senators Anderson, Berry, J. Lee, Lyson, Nelson

1 A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code,
2 relating to child restraint devices.

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

4 **SECTION 1. AMENDMENT.** Section 39-21-41.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-21-41.2. Child restraint devices - Evidence.**

7 1. If a child, under ~~seven~~nine years of age, is present in any motor vehicle, that motor
8 vehicle must be equipped with at least one child restraint system for ~~each such~~the child.
9 However, a child under the age of ~~seven~~nine who is at least fifty-seven inches [1.45 meters] tall
10 ~~and who weighs at least eighty pounds [36.28 kilograms]~~ is not required to use a child restraint
11 system, but must be correctly buckled in a safety belt. The child restraint system must meet the
12 standards adopted by the United States department of transportation for those systems [49
13 CFR 571.213]. While the motor vehicle is in motion, each such child must be properly secured
14 in the child restraint system in accordance with the manufacturer's instructions. ~~A child weighing~~
15 ~~more than forty pounds [18.14 kilograms] may be restrained by a lap belt if the vehicle is not~~
16 ~~equipped with lap and shoulder belts or if all lap and shoulder belts are in use by other~~
17 ~~occupants.~~ While the motor vehicle is moving, each child of ~~seven~~nine through seventeen years
18 of age who is in the motor vehicle must be in an approved child restraint system in accordance
19 with the manufacturer's instructions or correctly buckled in a ~~seat~~safety belt. Use of child
20 restraint systems and ~~seat~~safety belts is not required in motor vehicles that were not
21 equipped with ~~seat~~safety belts when manufactured. If a child is being transported in an
22 emergency situation, this section does not apply.

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