Sixty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2060

Introduced by

Senators Kreun, Meyer, Oban

Representatives O'Brien, Owens, Hatlestad

A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-21-41.4 of the North Dakota Century Code, relating to the amount of statutory fees and the use of safety belts; to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary enforcement of safety belt requirements; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
   a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, ~~or~~ 39-10-42, or 39-21-41.4, a fee of fifty dollars.
   b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
   c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
   d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
   e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
   f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.
   g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
   h. A violation of section 39-10-59, a fee of five hundred dollars.
   i. A violation of section 39-09-01, a fee of thirty dollars.

j. A violation of section 39-09-01.1, a fee of thirty dollars.

k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.

l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.

SECTION 2. AMENDMENT. Section 39-21-41.4 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 3. REPEAL. Section 39-21-41.5 of the North Dakota Century Code is repealed.