

Introduced by

Senators Kreun, Meyer, Oban

Representatives O'Brien, Owens, Hatlestad

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

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

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

8 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
9 for:

- 10 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, ~~or 39-10-42~~, or 39-21-41.4,
11 a fee of fifty dollars.
- 12 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
13 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 14 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 15 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
16 39-08-25, a fee of one hundred dollars.
- 17 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
18 hundred dollars.
- 19 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
20 resident of this state, a fee of one hundred dollars.
- 21 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
22 dollars.
- 23 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 24 i. A violation of section 39-09-01, a fee of thirty dollars.

- 1 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 2 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 3 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 4 violation and three hundred dollars for a second or subsequent violation in three
- 5 years.

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

8 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**
9 **Evidence.**

10 ~~Subject to the limitations of this section and section 39-21-41.5, a~~

11 1. A driver may not operate upon a highway a motor vehicle designed for carrying fewer
12 than eleven passengers, which was originally manufactured with safety belts unless
13 each ~~front seat~~ occupant is wearing a properly adjusted and fastened safety belt.

14 2. This section does not apply ~~to~~:

15 a. ~~To~~ a child in a child restraint or safety belt in accordance with section 39-21-41.2;

16 ~~to drivers~~

17 b. ~~To a driver~~ of implements of husbandry; ~~to operators~~

18 c. ~~To an operator~~ of farm vehicles as defined in subsection 5 of section 39-04-19; ~~to~~

19 d. ~~To~~ rural mail carriers while on duty delivering mail; ~~to~~

20 e. ~~To~~ an occupant with a medical or physically disabling condition that prevents
21 appropriate restraint in a safety belt, if a qualified physician, physician assistant,
22 or advanced practice registered nurse states in a signed writing the nature of the
23 condition and the reason restraint is inappropriate; ~~or when~~

24 f. ~~When~~ all ~~front seat~~ safety belts are in use by other occupants; ~~or~~

25 g. ~~To an operator or a passenger of a motor vehicle that stops frequently to allow~~
26 ~~the driver or passenger to leave the vehicle temporarily or to deliver property~~
27 ~~from the vehicle. This exception applies only when the vehicle is traveling at a~~
28 ~~speed not exceeding thirty miles [48.28 kilometers] per hour between stops.~~

29 3. A physician, physician assistant, or advanced practice registered nurse who, in good
30 faith, provides a statement that restraint would be inappropriate is not subject to civil
31 liability.

1 | 4. A violation for not wearing a safety belt under this section is not, in itself, evidence of
2 | negligence. The fact of a violation of this section is not admissible in any proceeding
3 | other than one charging the violation.

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