

SENATE BILL NO. 2060
with House Amendments
SENATE BILL NO. 2060

Sixty-sixth
Legislative Assembly
of North Dakota

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.