FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED SENATE BILL NO. 2121

Introduced by

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Senators Bekkedahl, Kreun, Patten

Representatives Mock, Schreiber-Beck, Zubke

- 1 A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code,
- 2 relating to safety belt usage; to repeal section 39-21-41.5 of the North Dakota Century Code,
- 3 relating to secondary enforcement of safety belt requirements; and to provide a penalty.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. 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 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 2. REPEAL. Section 39-21-41.5 of the North Dakota Century Code is repealed.