

Introduced by

Senators

Representatives

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;  
3 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  
6 amended and reenacted as follows:

7 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**  
8 **Evidence.**

9 1. Subject to the limitations of this section and section 39-21-41.5, a driver may not  
10 operate upon a highway a motor vehicle designed for carrying fewer than eleven  
11 passengers, which was originally manufactured with safety belts unless each front-  
12 seat occupant is wearing a properly adjusted and fastened safety belt.

13 2. This section does not apply to a child in a child restraint or safety belt in accordance  
14 with section 39-21-41.2; to drivers of implements of husbandry; to operators of farm  
15 vehicles as defined in subsection 5 of section 39-04-19; to rural mail carriers while on  
16 duty delivering mail; to an occupant with a medical or physically disabling condition  
17 that prevents appropriate restraint in a safety belt, if a qualified physician, physician  
18 assistant, or advanced practice registered nurse states in a signed writing the nature  
19 of the condition and the reason restraint is inappropriate; or when all front-seat safety  
20 belts are in use by other occupants. A physician, physician assistant, or advanced  
21 practice registered nurse who, in good faith, provides a statement that restraint would  
22 be inappropriate is not subject to civil liability.

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- 1     3. The use or nonuse of a safety belt:
- 2         a. May not be used in any action as evidence of fault:
- 3         b. Is not, in itself, evidence of negligence; and
- 4         c. Is not admissible in any proceedings other than one charging the violation.
- 5     4. The fee imposed for a violation of this section must be issued to:
- 6         a. The driver if the violation is by the driver or a passenger who is a minor; or
- 7         b. The adult passenger if the violation was by an adult passenger.