

**HOUSE BILL NO. 1254**

Introduced by

Representatives Gruchalla, Herbel, Owens

Senators Bakke, J. Lee, Nelson

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

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

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23 repealed.