

HOUSE BILL NO. 1257

Introduced by

Representatives Magrum, Becker, Ertelt, Headland, Jones, D. Ruby

Senator Clemens

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 use; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**
7 **Evidence.**

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

12 2. This section does not apply to a:

13 a. To a driver or occupant who is eighteen years of age or older;

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

16 c. To drivers of implements of husbandry; to

17 d. To operators of farm vehicles as defined in subsection 5 of section 39-04-19; to

18 e. To rural mail carriers while on duty delivering mail; to

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

23 g. When all front seat safety belts are in use by other occupants.

- 1 3. A physician, physician assistant, or advanced practice registered nurse who, in good
2 faith, provides a statement that restraint would be inappropriate is not subject to civil
3 liability.
- 4 4. A violation for not wearing a safety belt under this section is not, in itself, evidence of
5 negligence. The fact of a violation of this section is not admissible in any proceeding
6 other than one charging the violation.