

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1323

Introduced by

Representatives Owens, D. Anderson, Beadle, Sukut

Senators Bekkedahl, Kreun

1 A BILL for an Act to amend and reenact section 39-21-41.2 and 39-21-41.4 of the North Dakota
2 Century Code, relating to child restraint devices and use of safety belts for children.

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

4 **SECTION 1. AMENDMENT.** Section 39-21-41.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-21-41.2. Child restraint devices - Evidence.**

7 1. If a child, under ~~seven~~eight years of age, is present in ~~anya~~any motor vehicle, that motor
8 vehicle must be equipped with at least one child restraint system for ~~each such~~the
9 child. However, a child under the age of ~~seven~~eight who is at least fifty-seven inches
10 [1.45 meters] tall ~~and who weighs at least eighty pounds [36.28 kilograms]~~ is not
11 required to use a child restraint system, but must be correctly buckled in a safety belt.
12 The child restraint system must meet the standards adopted by the United States
13 department of transportation for those systems [49 CFR 571.213]. While the motor
14 vehicle is in motion, ~~each such~~the child must be properly secured in the child restraint
15 system in accordance with the manufacturer's instructions. ~~A child weighing more than~~
16 ~~forty pounds [18.14 kilograms] may be restrained by a lap belt if the vehicle is not~~
17 ~~equipped with lap and shoulder belts or if all lap and shoulder belts are in use by other~~
18 ~~occupants.~~ While the motor vehicle is moving, each child of ~~seven~~eight through
19 seventeen years of age who is in the motor vehicle must be in an approved child
20 restraint system in accordance with the manufacturer's instructions or correctly
21 buckled in a ~~seatbelt~~safety belt. Use of child restraint systems and ~~seatbelt~~safety
22 belts is not required in motor vehicles that were not equipped with ~~seatbelt~~safety
23 belts when manufactured. If a child is being transported in an emergency situation, this
24 section does not apply.

1 2. Violation of this section is not, in itself, evidence of negligence. The fact of a violation
2 of this section is not admissible in any proceeding other than one charging the
3 violation.

4 **SECTION 2. 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 Subject to the limitations of this section and section 39-21-41.5, a driver may not operate
9 upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which
10 was originally manufactured with safety belts unless each front seat occupant is wearing a
11 properly adjusted and fastened safety belt. This section does not apply to a child in a child
12 restraint or ~~seat belt~~safety belt in accordance with section 39-21-41.2; to drivers of implements
13 of husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to
14 rural mail carriers while on duty delivering mail; to an occupant with a medical or physically
15 disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician,
16 physician assistant, or advanced practice registered nurse states in a signed writing the nature
17 of the condition and the reason restraint is inappropriate; or when all front seat safety belts are
18 in use by other occupants. A physician, physician assistant, or advanced practice registered
19 nurse who, in good faith, provides a statement that restraint would be inappropriate is not
20 subject to civil liability. A violation for not wearing a safety belt under this section is not, in itself,
21 evidence of negligence. The fact of a violation of this section is not admissible in any
22 proceeding other than one charging the violation.