

Introduced by

Senators Kreun, Meyer, Oban

Representatives O'Brien, Owens, Hatlestad

1 A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section  
2 39-21-41.4 of the North Dakota Century Code, relating to the amount of statutory fees and the  
3 use of safety belts; to repeal section 39-21-41.5 of the North Dakota Century Code, relating to  
4 secondary enforcement of safety belt requirements; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
9 for:
- 10 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, ~~or 39-10-42~~, or 39-21-41.4,  
11 a fee of fifty dollars.
  - 12 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
13 subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 14 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - 15 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section  
16 39-08-25, a fee of one hundred dollars.
  - 17 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
18 hundred dollars.
  - 19 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a  
20 resident of this state, a fee of one hundred dollars.
  - 21 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
22 dollars.
  - 23 h. A violation of section 39-10-59, a fee of five hundred dollars.
  - 24 i. A violation of section 39-09-01, a fee of thirty dollars.

- 1           j. A violation of section 39-09-01.1, a fee of thirty dollars.  
2           k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.  
3           l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first  
4           violation and three hundred dollars for a second or subsequent violation in three  
5           years.

6           **SECTION 2. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is  
7 amended and reenacted as follows:

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

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

25          **SECTION 3. REPEAL.** Section 39-21-41.5 of the North Dakota Century Code is repealed.