

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~~

11          1. A driver may not operate upon a highway a motor vehicle designed for carrying fewer  
12          than eleven passengers, which was originally manufactured with safety belts unless  
13          each front seat occupant is wearing a properly adjusted and fastened safety belt.

14          2. This section does not apply to ~~a:~~

15          a. ~~A child in a child restraint or safety belt in accordance with section 39-21-41.2; to~~  
16          ~~drivers~~

17          b. ~~Drivers~~ of implements of husbandry; ~~to operators~~

18          c. ~~Operators~~ of farm vehicles as defined in subsection 5 of section 39-04-19; ~~to~~  
19          ~~rural mail~~

20          d. ~~Rural-mail~~ carriers while on duty delivering mail; ~~to an~~

21          e. ~~An~~ occupant with a medical or physically disabling condition that prevents  
22          appropriate restraint in a safety belt, if a qualified physician, physician assistant,  
23          or advanced practice registered nurse states in a signed writing the nature of the  
24          condition and the reason restraint is inappropriate; ~~or when~~

25          f. ~~When~~ all front seat safety belts are in use by other occupants; ~~or~~

26          g. ~~An operator of a motor vehicle traveling at a speed not exceeding twenty-four~~  
27          ~~miles per hour.~~

28          3. A physician, physician assistant, or advanced practice registered nurse who, in good  
29          faith, provides a statement that restraint would be inappropriate is not subject to civil  
30          liability.

1 | 4. A violation for not wearing a safety belt under this section is not, in itself, evidence of  
2 | negligence. The fact of a violation of this section is not admissible in any proceeding  
3 | other than one charging the violation.

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 REPEAL.** Section 39-21-41.5 of the North Dakota Century Code is repealed.