

SENATE BILL NO. 2127

Introduced by

Senators Thane, Mutzenberger

Representatives Jensen, Rose

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code,
2 relating to use of seat belts; and to provide a penalty.

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 - Penalty - Evidence.**

- 7 1. If a child, under ~~three~~ five years of age, is present in any motor vehicle, that motor
8 vehicle must be equipped with at least one child restraint system for each such
9 child. The child restraint system must meet the standards adopted by the United
10 States department of transportation for those systems [49 CFR 571.213]. While
11 the motor vehicle is in motion, each such child must be properly secured in the
12 child restraint system in accordance with the manufacturer's instructions. While
13 the motor vehicle is moving, each child of ~~three through ten~~ five through seventeen
14 years of age who is in the motor vehicle must be in an approved child restraint
15 system in accordance with the manufacturer's instructions or correctly buckled in a
16 seatbelt. Use of child restraint systems and seatbelts is not required in motor
17 vehicles that were not equipped with seatbelts when manufactured. If all of the
18 seatbelts are used by other family members in the vehicle or if a child is being
19 transported in an emergency situation, this section does not apply.
- 20 2. Violation of this section is punishable by a fine not to exceed ~~twenty~~ forty dollars.
21 One point must be assessed against the violator's driving record.
- 22 3. Violation of this section is not, in itself, evidence of negligence. The fact of a
23 violation of this section is not admissible in any proceeding other than one charging
24 the violation.