

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED 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 create and enact a new paragraph to subdivision a of subsection 3 of
2 section 39-06.1-10 of the North Dakota Century Code, relating to demerit points; and to amend
3 and reenact subsection 2 of section 39-06.1-06 and section 39-21-41.2 of the North Dakota
4 Century Code, relating to use of seatbelts and restraints.

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,
9 except for:

10 a. A violation of section 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of
11 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, no fee may be imposed by the state, a city,
15 or a county including a city or county operating under a home rule charter.

16 **SECTION 2.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of
17 the North Dakota Century Code is created and enacted as follows:

18 Failing to have a minor in a child 1 point
19 restraint system or seatbelt in
20 violation of section 39-21-41.2

21 **SECTION 3. AMENDMENT.** Section 39-21-41.2 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **39-21-41.2. Child restraint devices - Penalty - Evidence.**

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