

Introduced by

Senators Epegard, G. Lee, Trenbeath

Representatives Delmore, Hawken, Nottestad

1 A BILL for an Act to amend and reenact sections 24-02-01.5 and 39-01-01, subdivision c of
2 subsection 2 of section 39-06.1-06, sections 39-08-18, 39-08-19, 39-21-41.2, and 51-20-01,
3 and subsection 9 of section 57-40.3-04 of the North Dakota Century Code, relating to motor
4 vehicle child restraint systems.

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

6 **SECTION 1. AMENDMENT.** Section 24-02-01.5 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **24-02-01.5. (Contingent effective date - See note - Effective through June 30,**
9 **2005) Department of transportation - Administrative rules.** The department of
10 transportation may adopt the administrative rules necessary to carry out its responsibilities and
11 functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules
12 adopted by the agencies whose functions relate to the functions or agencies created,
13 transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and
14 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02, subsections ~~8~~ 10, ~~12~~ 14, and
15 ~~13~~ 15 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01,
16 subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section
17 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section
18 57-43.1-44, subsection 6 of section 57-43.2-01, and section 57-43.2-37 remain in effect until
19 they are specifically amended or repealed by the department.

20 **(Effective after June 30, 2005) Department of transportation - Administrative**
21 **rules.** The department of transportation may adopt the administrative rules necessary to carry
22 out its responsibilities and functions as created and transferred by sections 24-02-01.1 through
23 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies
24 created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5,

1 subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02,
2 subsections ~~8~~ 10, ~~42~~ 14, and ~~43~~ 15 of section 39-01-01, subsection 1 of section 39-16-01,
3 subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section
4 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of
5 section 57-43.1-01, section 57-43.1-44, subsection 5 of section 57-43.2-01, and section
6 57-43.2-37 remain in effect until they are specifically amended or repealed by the department.

7 **SECTION 2. AMENDMENT.** Section 39-01-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-01-01. Definitions.** In this title, unless the context or subject matter otherwise
10 requires:

- 11 1. "Appropriate licensed addiction treatment program" means an addiction treatment
12 program conducted by an addiction facility licensed by the department of human
13 services or conducted by a licensed individual specifically trained in addiction
14 treatment.
- 15 2. Authorized emergency vehicles:
 - 16 a. Class A authorized emergency vehicles means:
 - 17 (1) Vehicles of a governmentally owned fire department.
 - 18 (2) Vehicles when operated by or under the control of a police officer
19 having authority to enforce the provisions of this title or by a salaried
20 employee of a municipal police department within the municipality or by
21 a sheriff or deputy sheriff not including special deputy sheriffs, or by the
22 director of the department of corrections and rehabilitation and the
23 director's authorized agents who have successfully completed training
24 in the operation of class A authorized emergency vehicles.
 - 25 (3) Vehicles clearly identifiable as property of the department of corrections
26 and rehabilitation when operated or under the control of the director of
27 the department of corrections and rehabilitation.
 - 28 (4) Ambulances.
 - 29 (5) Vehicles operated by or under the control of the director, district deputy
30 director, or a district deputy game warden of the game and fish
31 department.

- 1 (6) Vehicles owned or leased by the United States and used for law
2 enforcement purposes.
- 3 (7) Vehicles designated for the use of the adjutant general or assistant
4 adjutant general in cases of emergency.
- 5 (8) Vehicles operated by or under the control of the director of the parks
6 and recreation department.
- 7 (9) Vehicles operated by or under the control of a licensed railroad police
8 officer and used for law enforcement purposes.
- 9 b. Class B authorized emergency vehicles means wreckers and such other
10 emergency vehicles as are authorized by the local authorities.
- 11 c. Class C authorized emergency vehicles means:
- 12 (1) Vehicles authorized by state and local division of emergency
13 management organizations.
- 14 (2) Vehicles used by volunteer firefighters while performing their assigned
15 disaster and emergency responsibilities.
- 16 (3) Vehicles, other than ambulances, used by emergency medical services
17 personnel.
- 18 3. "Bicycle" means every device propelled solely by human power upon which any
19 person may ride, having two tandem wheels either of which is more than twenty
20 inches [50.8 centimeters] in diameter.
- 21 4. "Bus" means every motor vehicle designed for carrying more than ten passengers
22 and used for the transportation of persons, and every motor vehicle, other than a
23 taxicab, designed and used for the transportation of persons for compensation.
24 Provided, every motor vehicle designed for carrying not more than fifteen persons
25 and used for a ridesharing arrangement, as defined in section 8-02-07, is not a
26 "bus".
- 27 5. "Business district" means the territory contiguous to a highway when fifty percent
28 or more of the frontage thereon for a distance of three hundred feet [91.44 meters]
29 or more is occupied by buildings in use for business.
- 30 ~~5-4.~~ 6. "Camping trailer" means a vehicular portable unit mounted on wheels and
31 constructed with collapsible partial side walls that fold for towing by another vehicle

1 and unfold at the campsite to provide temporary living quarters for recreational,
2 camping, or travel use.

3 7. "Child restraint system" means a specifically designed device, built-in seating
4 system, or belt-positioning booster that meets the federal motor vehicle safety
5 standards and is permanently affixed to a motor vehicle, is affixed to the vehicle by
6 a safety belt or universal attachment system, or is combined with a federally
7 compliant safety belt system.

8 ~~6-~~ 8. "Commercial freighting" means the carriage of things other than passengers, for
9 hire, except that such term does not include:

10 a. The carriage of things other than passengers within the limits of the same
11 city;

12 b. Carriage by local dray lines of baggage or goods to or from a railroad station
13 from or to places in such city or in the immediate vicinity thereof, in this state,
14 and not to exceed two miles [3.22 kilometers] from the corporate or
15 recognized limits of said city; or

16 c. Hauling done by farmers for their neighbors in transporting agricultural
17 products to or from market.

18 ~~7-~~ 9. "Commercial passenger transportation" means the carriage of passengers for hire,
19 except that the term does not include:

20 a. The carriage of passengers within the limits of a city.

21 b. The carriage by local buslines of passengers to or from a railroad station from
22 or to places within any city or within two miles [3.22 kilometers] of the limits of
23 the city.

24 c. The carriage of passengers under a ridesharing arrangement, as defined in
25 section 8-02-07.

26 ~~8-~~ 10. "Commissioner" means the director of the department of transportation of this
27 state, acting directly or through authorized agents as provided by section
28 24-02-01.3.

29 ~~9-~~ 11. "Controlled-access highway" means every highway, street, or roadway in respect
30 to which owners or occupants of abutting lands and other persons have no legal
31 right of access to or from the same except at such points only and in such manner

1 as may be determined by the public authority having jurisdiction over such
2 highway, street, or roadway.

3 ~~40.~~ 12. "Crosswalk" means that part of a roadway at an intersection included within the
4 connections of the lateral lines of the sidewalks on opposite sides of the highway
5 measured from the curbs, or, in the absence of curbs, from the edges of the
6 traversable roadway; or any portion of a roadway at an intersection or elsewhere
7 distinctly indicated for pedestrian crossing by lines or other markings on the
8 surface.

9 ~~44.~~ 13. "Dealer" means every person, partnership, corporation, or limited liability company
10 engaged in the business of buying, selling, or exchanging motor vehicles, or who
11 advertises, or holds out to the public as engaged in the buying, selling, or
12 exchanging of motor vehicles, or who engages in the buying of motor vehicles for
13 resale. Any person, partnership, corporation, limited liability company, or
14 association doing business in several cities or in several locations within a city
15 must be considered a separate dealer in each such location.

16 ~~42.~~ 14. "Department" means the department of transportation of this state as provided by
17 section 24-02-01.1.

18 ~~43.~~ 15. "Director" means the director of the department of transportation of this state as
19 provided by section 24-02-01.3.

20 ~~44.~~ ~~Repealed by S.L. 1989, ch. 72, § 25.~~

21 ~~45.~~ 16. "Driver" means every person who drives or is in actual physical control of a
22 vehicle.

23 ~~46.~~ 17. "Essential parts" means all integral and body parts of a vehicle of a type required
24 to be registered hereunder, the removal, alteration, or substitution of which would
25 tend to conceal the identity of the vehicle or substantially alter its appearance,
26 model, type, or mode of operation and includes all integral parts and body parts,
27 the removal, alteration, or substitution of which will tend to conceal the identity or
28 substantially alter the appearance of the vehicle.

29 ~~47.~~ 18. "Explosives" means any chemical compound or mechanical mixture that is
30 commonly used or intended for the purpose of producing an explosion and which
31 contains any oxidizing and combustive units or other ingredients in such

1 proportions, quantities, or packing that an ignition by fire, by friction, by
2 concussion, by percussion, or by detonator of any part of the compound or mixture
3 may cause such a sudden generation of highly heated gases that the resultant
4 gaseous pressures are capable of producing destructive effects on contiguous
5 objects or by destroying life or limb.

6 ~~48.~~ 19. "Farm tractor" includes every motor vehicle designed and used primarily as a farm
7 implement for drawing plows, moving machines, and other implements of
8 husbandry.

9 ~~49.~~ 20. "Farm trailer" includes those trailers and semitrailers towed by a bona fide resident
10 farmer hauling the farmer's own agricultural, horticultural, dairy, and other farm
11 products if the gross weight, not including the towing vehicle, does not exceed
12 twenty-four thousand pounds [10886.22 kilograms].

13 ~~49.4.~~ 21. "Fifth-wheel travel trailer" means a vehicular unit mounted on wheels, designed to
14 provide temporary living quarters for recreational, camping, or travel use, of such
15 size or weight as not to require a special highway movement permit and designed
16 to be towed by a motorized vehicle that contains a towing mechanism that is
17 mounted above or forward of the tow vehicle's rear axle.

18 ~~20.~~ 22. "Flammable liquid" means any liquid which has a flash point of seventy degrees
19 Fahrenheit [21.11 degrees Celsius], or less, as determined by a tagliabue or
20 equivalent closed-cup test device.

21 ~~24.~~ 23. "Foreign vehicle" means every motor vehicle which is brought into this state other
22 than in the ordinary course of business by or through a manufacturer or dealer and
23 which has not been registered in this state.

24 ~~22.~~ 24. "Gross weight" means the weight of a vehicle without load plus the weight of any
25 load thereon.

26 ~~23.~~ 25. "Guest" means and includes a person who accepts a ride in any vehicle without
27 giving compensation therefor.

28 ~~24.~~ 26. "Highway" means the entire width between the boundary lines of every way
29 publicly maintained when any part thereof is open to the use of the public for
30 purposes of vehicular travel and of every way privately maintained within a mobile
31 home park, trailer park, or campground containing five or more lots for occupancy

- 1 by mobile homes, travel trailers, or tents when any part thereof is open for
2 purposes of vehicular travel.
- 3 ~~25.~~ 27. "House car" or "motor home" means a motor vehicle which has been reconstructed
4 or manufactured primarily for private use as a temporary or recreational dwelling
5 and having at least four of the following permanently installed systems:
6 a. Cooking facilities.
7 b. Icebox or mechanical refrigerator.
8 c. Potable water supply including plumbing and a sink with faucet either
9 self-contained or with connections for an external source, or both.
10 d. Self-contained toilet or a toilet connected to a plumbing system with
11 connection for external water disposal, or both.
12 e. Heating or air-conditioning system, or both, separate from the vehicle engine
13 or the vehicle engine electrical system.
14 f. A 110-115 volt alternating current electrical system separate from the vehicle
15 engine electrical system either with its own power supply or with a connection
16 for an external source, or both, or a liquefied petroleum system and supply.
- 17 ~~26.~~ 28. "Implement of husbandry" means every vehicle designed and adapted exclusively
18 for agricultural, horticultural, or livestock raising operations or for lifting or carrying
19 an implement of husbandry and in either case not subject to registration if used
20 upon the highway.
- 21 ~~27.~~ 29. "Intersection" means the area embraced within the prolongation or connection of
22 the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of
23 two highways which join one another at, or approximately at, right angles, or the
24 area within which vehicles traveling upon different highways joining at any other
25 angle may come in conflict. Where a highway includes two roadways thirty feet
26 [9.14 meters] or more apart, then every crossing of each roadway of such divided
27 highway by an intersecting highway must be regarded as a separate intersection.
28 In the event such intersecting highway also includes two roadways thirty feet [9.14
29 meters] or more apart, then every crossing of two roadways of such highways
30 must be regarded as a separate intersection.
- 31 ~~28.~~ 30. "Intoxicating liquor" means and includes any beverage containing alcohol.

- 1 ~~29.~~ 31. "Judgment" means any judgment which has become final by expiration without
2 appeal of the time within which an appeal might have been perfected, or by final
3 affirmation on appeal, rendered by a court of competent jurisdiction of any state of
4 the United States, upon a claim for relief arising out of ownership, maintenance, or
5 use of any motor vehicle, for damages, including damages for care and loss of
6 services, because of bodily injury to or death of any person, or for damages
7 because of injury to or destruction of property, including the loss of use thereof, or
8 upon a claim for relief on an agreement of settlement for such damages.
- 9 ~~30.~~ 32. "Legal owner" means a person who holds the legal title to a vehicle.
- 10 ~~31.~~ 33. "Lienholder" means a person holding a security interest in a vehicle.
- 11 ~~32.~~ 34. "Local authorities" includes every county, municipal, and other local board or body
12 having authority to adopt local police regulations under the constitution and laws of
13 this state.
- 14 ~~33.~~ 35. "Mail" means to deposit mail properly addressed and with postage prepaid with the
15 United States postal service.
- 16 ~~34.~~ 36. "Manifest injustice" means a specific finding by the court that the imposition of
17 sentence is unreasonably harsh or shocking to the conscience of a reasonable
18 person, with due consideration of the totality of circumstances.
- 19 ~~35.~~ 37. "Manufacturer" means any person who manufactures, assembles, or imports and
20 sells new motor vehicles to new motor vehicle dealers for resale in the state; but
21 such term does not include a person who assembles or specially builds interior
22 equipment on a completed vehicle supplied by another manufacturer, distributor,
23 or supplier.
- 24 ~~36.~~ 38. "Metal tires" includes all tires the surface of which in contact with the highway is
25 wholly or partly of metal or other hard, nonresilient material except that this
26 provision does not apply to pneumatic tires.
- 27 ~~37.~~ 39. "Modular unit" includes every factory fabricated transportable building unit
28 designed to be incorporated with similar units at a building site into a modular
29 structure to be used for residential, commercial, educational, or industrial
30 purposes.

Fifty-ninth
Legislative Assembly

- 1 ~~38.~~ 40. "Motor vehicle" includes every vehicle that is self-propelled, every vehicle that is
2 propelled by electric power obtained from overhead trolley wires, but not operated
3 upon rails, and, for purposes of motor vehicle registration, title registration, and
4 operator's licenses, motorized bicycles. The term does not include a snowmobile
5 as defined in section 39-24-01.
- 6 ~~39.~~ 41. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the
7 rider and designed to travel on not more than three wheels in contact with the
8 ground, but excluding implements of husbandry.
- 9 ~~40.~~ 42. "Motorized bicycle" means a vehicle equipped with two or three wheels, foot
10 pedals to permit muscular propulsion or footrests for use by the operator, a power
11 source providing up to a maximum of two brake horsepower having a maximum
12 piston or rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion
13 engine is used, which will propel the vehicle, unassisted, at a speed not to exceed
14 thirty miles [48.28 kilometers] per hour on a level road surface, and a power drive
15 system that functions directly or automatically only, not requiring clutching or
16 shifting by the operator after the drive system is engaged, and the vehicle may not
17 have a width greater than thirty-two inches [81.28 centimeters].
- 18 ~~41.~~ 43. "Nonresident" means any person who is not a resident of this state.
- 19 ~~42.~~ 44. "Nonresident's operating privilege" means the privilege conferred upon a
20 nonresident by the laws of this state pertaining to the operation by such person of
21 a motor vehicle, or the use of a vehicle owned by such person, in this state.
- 22 ~~43.~~ 45. "Official traffic-control devices" means all signs, signals, markings, and devices not
23 inconsistent with this title placed or erected by authority of a public body or official
24 having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- 25 ~~44.~~ 46. "Operator" means every person who drives or is in actual physical control of a
26 motor vehicle upon a highway or who is exercising control over or steering a
27 vehicle being towed by a motor vehicle.
- 28 ~~45.~~ 47. "Operator's license", "driver's license", or "license to operate a motor vehicle"
29 means any operator's or driver's license or any other license or permit to operate a
30 motor vehicle issued under, or granted by, the laws of this state, including:
31 a. Any temporary license or instruction permit;

- 1 b. The privilege of any person to drive a motor vehicle whether such person
2 holds a valid license; or
- 3 c. Any nonresident's operating privilege as defined in this section.
- 4 ~~46.~~ 48. "Owner" means a person, other than a lienholder, having the property in or title to
5 a vehicle. The term includes a person entitled to the use and possession of a
6 vehicle subject to a security interest in another person, but excludes a lessee
7 under a lease not intended as security.
- 8 ~~47.~~ 49. "Park", when prohibited, means the standing of a vehicle, whether occupied or not,
9 otherwise than temporarily for the purpose of and while actually engaged in
10 loading or unloading.
- 11 ~~48.~~ 50. "Passenger motor vehicle" means every motor vehicle designed principally for the
12 transportation of persons and includes vehicles which utilize a truck chassis, but
13 have a seating capacity for four or more passengers.
- 14 ~~49.~~ 51. "Pedestrian" means any person afoot.
- 15 ~~50.~~ 52. "Person" includes every natural person, firm, copartnership, association,
16 corporation, or limited liability company.
- 17 ~~51.~~ 53. "Pneumatic tires" includes all tires inflated with compressed air.
- 18 ~~52.~~ 54. "Pole trailer" means every vehicle without motive power designed to be drawn by
19 another vehicle and attached to the towing vehicle by means of a reach, or pole, or
20 by being boomed or otherwise secured to the towing vehicle, and ordinarily used
21 for transporting long or irregularly shaped loads such as poles, pipes, or structural
22 members capable, generally, of sustaining themselves as beams between the
23 supporting connections.
- 24 ~~53.~~ 55. "Police officer" means every officer authorized to direct or regulate traffic or to
25 make arrests for violations of traffic regulations.
- 26 ~~54.~~ 56. "Private road or driveway" means every way or place in private ownership and
27 used for vehicular travel by the owner and those having express or implied
28 permission from the owner, but not by other persons.
- 29 ~~55.~~ 57. "Proof of financial responsibility" means proof of ability to respond in damages for
30 liability, on account of accidents occurring subsequent to the effective date of said
31 proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the

1 amount of twenty-five thousand dollars because of bodily injury to or death of one
2 person in any one accident, and, subject to said limit for one person, in the amount
3 of fifty thousand dollars because of bodily injury to or death of two or more persons
4 in any one accident, and in the amount of ten thousand dollars because of injury to
5 or destruction of property of others in any one accident.

6 ~~56.~~ 58. "Railroad" means a carrier of persons or property upon cars, other than streetcars,
7 operated upon stationary rails.

8 ~~57.~~ 59. "Railroad sign or signal" means any sign, signal, or device erected by authority of a
9 public body or official or by a railroad and intended to give notice of the presence
10 of railroad tracks or the approach of a railroad train.

11 ~~58.~~ 60. "Reconstructed vehicle" means any vehicle, of a type required to be registered,
12 materially altered from its original construction by the removal, addition, or
13 substitution of new or used essential parts.

14 ~~59.~~ 61. "Recreational vehicle" means any motorcycle not qualified for registration,
15 all-terrain vehicle, snowmobile, vessel, or personal watercraft.

16 ~~60.~~ 62. "Residence district" means territory contiguous to a highway not comprising a
17 business district, when the frontage on such highway for a distance of three
18 hundred feet [91.44 meters] or more is occupied mainly by dwellings, or by
19 dwellings and buildings in use for business.

20 ~~61.~~ 63. "Right of way" means the privilege of the immediate use of a roadway.

21 ~~62.~~ 64. "Road tractor" means every motor vehicle designed and used for drawing other
22 vehicles and not so constructed as to carry any load thereon either independently
23 or any part of the weight of a vehicle or load so drawn.

24 ~~63.~~ 65. "Roadway" means that portion of a highway improved, designed, or ordinarily used
25 for vehicular travel, exclusive of the berm or shoulder. In the event a highway
26 includes two or more separate roadways, the term "roadway" as used herein refers
27 to any such roadway separately but not to all such roadways collectively.

28 ~~64.~~ 66. "Saddle mount" means placing the front wheels of the drawn vehicle upon the bed
29 of the drawing vehicle.

1 that it does not include a "housetrailer" or "mobile home", which terms mean a
2 vehicle as defined in this subsection which is designed and intended for use as
3 living or sleeping quarters for people and which is not used for commercial hauling
4 of passengers.

5 ~~84.~~ 86. "Travel trailer" means a vehicular unit mounted on wheels, designed to provide
6 temporary living quarters for recreational, camping, or travel use, and of such size
7 or weight as not to require a special highway movement permit when towed by a
8 motorized vehicle.

9 ~~85.~~ 87. "Truck" includes every motor vehicle designed, used, or maintained primarily for
10 transportation of property.

11 ~~85.1.~~ 88. "Truck camper" means a portable unit that is constructed to provide temporary
12 living quarters for recreational, camping, or travel use; consists of a roof, floor, and
13 sides; and is designed to be loaded onto and unloaded from the bed of a pickup
14 truck.

15 ~~86.~~ 89. "Truck tractor" includes every motor vehicle designed and used primarily for
16 drawing other vehicles and not so constructed as to carry a load other than a part
17 of the weight of the vehicle and load so drawn.

18 ~~87.~~ 90. "Urban district" means the territory contiguous to and including any street which is
19 built up with structures devoted to business, industry, or dwelling houses situated
20 at intervals of less than one hundred feet [30.48 meters] for a distance of a quarter
21 of a mile [402.34 meters] or more.

22 ~~88.~~ 91. "Used vehicle" means a motor vehicle which has been sold, bargained,
23 exchanged, given away, or the title to which has been transferred to another, by
24 the person who first acquired it from the manufacturer or importer, dealer, or agent
25 of the manufacturer or importer.

26 ~~89.~~ 92. "Vehicle" includes every device in, upon, or by which any person or property may
27 be transported or drawn upon a public highway, except devices moved by human
28 power or used exclusively upon stationary rails or tracks.

29 **SECTION 3. AMENDMENT.** Subdivision c of subsection 2 of section 39-06.1-06 of the
30 North Dakota Century Code is amended and reenacted as follows:

1 c. A violation of section 39-21-41.2, ~~no a fee may be imposed by the state, a~~
2 city, or a county including a city or county operating under a home rule charter
3 of twenty-five dollars.

4 **SECTION 4. AMENDMENT.** Section 39-08-18 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-08-18. Open container law - Penalty.**

7 1. A person may not drink or consume alcoholic beverages, as defined in section
8 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in
9 an area used principally for public parking. A person may not have in that person's
10 possession on that person's person while in or on a private motor vehicle upon a
11 public highway or in an area used principally for public parking, any bottle or
12 receptacle containing alcoholic beverages which has been opened, or the seal
13 broken, or the contents of which have been partially removed. It is unlawful for the
14 owner of any private motor vehicle or the driver, if the owner be not then present in
15 or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such
16 vehicle is upon the public highway or in an area used principally for public parking
17 any bottle or receptacle containing such alcoholic beverages which has been
18 opened, or the seal broken, or the contents of which have been partially removed
19 except when such bottle or receptacle is kept in the trunk of the motor vehicle
20 when such vehicle is equipped with a trunk, or kept in some other area of the
21 vehicle not normally occupied by the driver or passengers, if the motor vehicle is
22 not equipped with a trunk. A utility compartment or glove compartment must be
23 deemed to be within the area occupied by the driver and passengers. This
24 subsection does not prohibit the consumption or possession of alcoholic
25 beverages in a house car, ~~as defined by subsection 25 of section 39-01-01~~, if the
26 consumption or possession occurs in the area of the house car used as sleeping
27 or living quarters and that area is separated from the driving compartment by a
28 solid partition, door, curtain, or some similar means of separation; however,
29 consumption is not authorized while the house car is in motion. Any person
30 violating this subsection must be assessed a fee of fifty dollars; however, the
31 licensing authority may not record the violation against the person's driving record

1 unless the person was the driver of the motor vehicle at the time that the violation
2 occurred.

3 2. Subsection 1 does not apply to a public conveyance that has been commercially
4 chartered for group use, any passenger for compensation in a for-hire motor
5 vehicle, or a privately owned motor vehicle operated by a person in the course of
6 that person's usual employment transporting passengers at the employer's
7 direction. This subsection does not authorize possession or consumption of an
8 alcoholic beverage by the operator of any motor vehicle described in this
9 subsection while upon a public highway or in an area used principally for public
10 parking.

11 **SECTION 5. AMENDMENT.** Section 39-08-19 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **39-08-19. Penalty for harassment of domestic animals.** Any person operating a
14 motorcycle, snowmobile, or other motor vehicle ~~as defined in subsection 38 of section 39-01-01~~
15 who willfully harasses or frightens any domestic animal, is, upon conviction, guilty of a class B
16 misdemeanor. If injury or death results to the animal due to such action, such person is liable
17 for the value of the animal and exemplary damages as provided in section 36-21-13.

18 **SECTION 6. AMENDMENT.** Section 39-21-41.2 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-21-41.2. Child restraint devices - Evidence.**

21 1. If a child, under ~~four~~ seven years of age, is present in any motor vehicle, that
22 motor vehicle must be equipped with at least one child restraint system for each
23 such child. However, a child under the age of seven who is at least fifty-seven
24 inches [1.45 meters] tall and who weighs at least eighty pounds [36.28 kilograms]
25 is not required to use a child restraint system. The child restraint system must
26 meet the standards adopted by the United States department of transportation for
27 those systems [49 CFR 571.213]. While the motor vehicle is in motion, each such
28 child must be properly secured in the child restraint system in accordance with the
29 manufacturer's instructions. A child weighing more than forty pounds [18.14
30 kilograms] may be restrained by a lap belt if the vehicle is not equipped with lap
31 and shoulder belts or if all lap and shoulder belts are in use by other occupants.

1 While the motor vehicle is moving, each child of ~~four~~ seven through seventeen
2 years of age who is in the motor vehicle must be in an approved child restraint
3 system in accordance with the manufacturer's instructions or correctly buckled in a
4 seatbelt. Use of child restraint systems and seatbelts is not required in motor
5 vehicles that were not equipped with seatbelts when manufactured. If ~~all of the~~
6 ~~seatbelts are used by other family members in the vehicle or~~ if a child is being
7 transported in an emergency situation, this section does not apply.

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

11 **SECTION 7. AMENDMENT.** Section 51-20-01 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **51-20-01. Definitions.** As used in this chapter, unless the context requires otherwise:

- 14 1. "Contractual arrangement" means a written franchise or other written agreement,
15 by whatever name such agreement may be called, between a distributor and a
16 dealer whereby the dealer agrees to sell at retail and service the distributor's
17 recreation vehicles in a given location or locations, whether or not exclusively with
18 respect to a given geographic area, and the distributor authorizes the dealer to
19 sell, or sell and service, and agrees to supply an inventory of recreation vehicles,
20 and, if the dealer is to perform service, an inventory of parts for those vehicles.
- 21 2. "Dealer" means a person, partnership, corporation, limited liability company, or
22 other business entity which sells at retail and services new recreation vehicles.
- 23 3. "Distributor" means any manufacturer, wholesaler, or distributor of recreation
24 vehicles who has a contractual arrangement with a dealer in such vehicles.
- 25 4. "Recreation vehicle" includes snowmobiles as defined in section 39-24-01, plus
26 trailers for transporting same when those trailers are furnished by the same
27 distributor who furnishes the snowmobiles; all-terrain vehicles as defined in section
28 39-29-01; motorcycles as defined in ~~subsection 39-01-01~~ of section 39-01-01; travel
29 trailers, which term means vehicles without motive power designed for recreational
30 use as living or sleeping quarters for people and which do not exceed forty feet

1 [12.19 meters] in length; and motorboats, whether propelled by an inboard or
2 outboard marine engine, plus any outboard marine engines and boat trailers.

3 5. "Repair parts" includes accessories.

4 **SECTION 8. AMENDMENT.** Subsection 9 of section 57-40.3-04 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 9. Any motor vehicle ~~being~~ registered ~~pursuant to~~ under chapter 39-04 for the first
7 time by a person other than a manufacturer of motor vehicles, as defined in
8 ~~subsection 35 of~~ section 39-01-01, who assembled the motor vehicle for that
9 person's own use.