

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1329

Introduced by

Representatives Sanford, N. Johnson, J. Nelson, Rohr, Wall, Amerman

Senators Anderson, Berry, J. Lee, Lyson, Nelson

1 A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code,
2 relating to child restraint devices.

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 - Evidence.**

7 1. If a child, under ~~seven~~nine 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~~the
9 child. However, a child under the age of ~~seven~~nine who is at least fifty-seven inches
10 [1.45 meters] tall ~~and who weighs at least eighty pounds [36.28 kilograms]~~ is not
11 required to use a child restraint system, but must be correctly buckled in a safety belt.
12 The child restraint system must meet the standards adopted by the United States
13 department of transportation for those systems [49 CFR 571.213]. While the motor
14 vehicle is in motion, each such child must be properly secured in the child restraint
15 system in accordance with the manufacturer's instructions. ~~A child weighing more than~~
16 ~~forty pounds [18.14 kilograms] may be restrained by a lap belt if the vehicle is not~~
17 ~~equipped with lap and shoulder belts or if all lap and shoulder belts are in use by other~~
18 ~~occupants~~. While the motor vehicle is moving, each child of ~~seven~~nine through
19 seventeen years of age who is in the motor vehicle must be in an approved child
20 restraint system in accordance with the manufacturer's instructions or correctly
21 buckled in a ~~seatbelt~~safety belt. Use of child restraint systems and ~~seatbelt~~safety
22 belts is not required in motor vehicles that were not equipped with ~~seatbelt~~safety
23 belts when manufactured. If a child is being transported in an emergency situation, this
24 section does not apply.

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