

Introduced by

Senators Rummel, Hogue, Lee

Representatives Klemin, Lefor

1 A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code,  
2 relating to safety belt usage; to repeal section 39-21-41.5 of the North Dakota Century Code,  
3 relating to secondary enforcement of safety belt requirements; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**  
8 **Evidence.**

9 ~~Subject to the limitations of this section and section 39-21-41.5, a~~ driver may not operate  
10 upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which  
11 was originally manufactured with safety belts unless each ~~front seat~~ occupant is wearing a  
12 properly adjusted and fastened safety belt. This section does not apply to a child in a child  
13 restraint or safety belt in accordance with section 39-21-41.2; to drivers of implements of  
14 husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural  
15 mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling  
16 condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician  
17 assistant, or advanced practice registered nurse states in a signed writing the nature of the  
18 condition and the reason restraint is inappropriate; or when all ~~front seat~~ safety belts are in use  
19 by other occupants. A physician, physician assistant, or advanced practice registered nurse  
20 who, in good faith, provides a statement that restraint would be inappropriate is not subject to  
21 civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence  
22 of negligence. The fact of a violation of this section is not admissible in any proceeding other  
23 than one charging the violation.

24 **SECTION 2. REPEAL.** Section 39-21-41.5 of the North Dakota Century Code is repealed.