

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1335

Introduced by

Representatives Owens, Damschen, Haak, Klemin, Kreun, Meier, Sanford, Silbernagel,
Gruchalla

Senators Berry, Lyson

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

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~~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 seatbelt 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 states in a
17 signed writing the nature of the condition and the reason restraint is inappropriate; or when all
18 front seat safety belts are in use by other occupants. A physician who, in good faith, provides a
19 statement that restraint would be inappropriate is not subject to civil liability. A violation for not
20 wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a
21 violation of this section is not admissible in any proceeding other than one charging the
22 violation.

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 REPEAL.** Section 39-21-41.5 of the North Dakota Century Code is repealed.