

SENATE BILL NO. 2121

Introduced by

Senators Bekkedahl, Kreun, Patten

Representatives Mock, Schreiber-Beck, Zubke

1 A BILL for an Act to amend and reenact ~~subsection 2 of section 39-06.1-06 and section~~
2 39-21-41.4 of the North Dakota Century Code, relating to ~~statutory fees and~~ safety belt usage;
3 to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary
4 enforcement of safety belt requirements; and to provide a penalty.

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, except~~
9 ~~for:~~

10 ~~a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, or 39-21-41.4,~~
11 ~~a fee of 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, a fee of twenty-five dollars.~~

15 ~~d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section~~
16 ~~39-08-25, a fee of one hundred dollars.~~

17 ~~e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one~~
18 ~~hundred dollars.~~

19 ~~f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a~~
20 ~~resident of this state, a fee of one hundred dollars.~~

21 ~~g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty~~
22 ~~dollars.~~

23 ~~h. A violation of section 39-10-59, a fee of five hundred dollars.~~

24 ~~i. A violation of section 39-09-01, a fee of thirty dollars.~~

- 1 ~~j. A violation of section 39-09-01.1, a fee of thirty dollars.~~
2 ~~k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.~~
3 ~~l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first~~
4 ~~violation and three hundred dollars for a second or subsequent violation in three~~
5 ~~years.~~
6 ~~m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.~~
7 ~~n. A violation of section 39-10-50.1, a fee of fifty dollars.~~

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

10 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**
11 **Evidence.**

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

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