

TITLE 9: VEHICLE CODE
DIVISION 4: EQUIPMENT OF VEHICLES

§ 4108. Safety Belts on Passenger Vehicles.

(a) No dealer or person shall sell or offer for sale any used passenger motor vehicle manufactured on or after January 1, 1978, other than a motorcycle or moped unless it is equipped with passenger restraint systems as defined in 9 CMC § 1103(f) for all intended passengers of the vehicle.

(b) No person may sell, offer, or keep for sale any safety belts, safety harness, or attachments thereto for use in vehicles unless of a type as defined in 9 CMC § 1103(f).

(c) All other vehicles not classified as motor buses, passenger sedans, vans, and pickup trucks utilizing passenger restraint systems, shall be otherwise classified as heavy equipment vehicles with multiple purposes of transporting materials, raw products, equipment, and other goods related to heavy industry purposes. However, heavy equipment vehicles shall be permitted the transportation of persons over the age of 18 provided that they comply with subsection (f) of this section.

(d) Every person, during transit, in a passenger motor vehicle, except a motorcycle, moped, or motor bus, shall wear a passenger restraint system as defined in 9 CMC § 1103(f).

(e)(1) The driver of a car, van or pickup truck in which a child under five years of age is being transported shall secure such child during transit by a child passenger restraint system which conforms to the federal motor vehicle safety standards issued pursuant to the federal National Traffic and Motor Vehicle Safety Act of 1966, as amended [15 U.S.C. § 1381 et seq.], and installed in the vehicle in accord with the manufacturer's specifications.

If a child under five years of age has outgrown the standard size child passenger restraint system, the driver shall secure the child by a passenger restraint system as defined in 9 CMC § 1103(f); provided, that if the child is under 80 pounds weight and 54 inches of height, the child shall be provided with a booster seat that conforms to the federal motor vehicle safety standards issued pursuant to the federal National Traffic and Motor Vehicle Safety Act of 1966, as amended [15 U.S.C. § 1381 et seq.].

(2) No child under five years of age, or weighing less than 80 pounds, or under 54 inches in height may ride in the front passenger seat of a vehicle equipped with passenger side airbags unless such vehicle does not have any other passenger seating areas other than the front passenger seat.

(3) A driver shall be exempt from the penalty pursuant to this subsection (e) of this section in the case of a child who, for medical or physical reasons, is unable to utilize a child passenger restraint system.

(f) All persons riding in the cab of a heavy equipment vehicle shall wear a passenger restraint system as defined in 9 CMC § 1103(f).

(1) All persons riding in the bed or other area of a heavy equipment vehicle shall sit at all times when the vehicle is in operation upon a public roadway. Standing in and on a heavy equipment vehicle when the vehicle is in operation

TITLE 9: VEHICLE CODE
DIVISION 4: EQUIPMENT OF VEHICLES

is prohibited. Sitting on or against the tailgate or on top of the side of a heavy equipment vehicle when the vehicle is in operation is prohibited.

(2) No operator of any pickup heavy equipment vehicle shall operate the vehicle with a passenger seated in the bed or load carrying area of the vehicle unless:

(i) There is no seating available in the cab of the vehicle;

(ii) The sides of the vehicle are securely attached and the tailboard or tailgate is securely closed; and

(iii) Every passenger in the bed or load carrying area of the vehicle is seated on the floor and does not attempt to control unlash cargo.

(g) The driver of any vehicle shall be responsible for compliance with the provisions of this section. Any violation of this section shall be punishable by a minimum fine of \$25. However, any violation of subsection (e) of this section shall be punishable by a minimum fine of \$250. The driver of any heavy equipment vehicle shall be responsible for compliance with the provisions of subsection (f) of this section. However, the owner of any heavy equipment vehicle shall be responsible for maintaining that vehicle in such condition as to easily allow for the compliance with this section if that heavy equipment vehicle is to be used for the transportation of persons as provided in subsection (f) of this section. Any violation of subsection (f) of this section shall be punishable by a minimum fine of \$50.

(h) The provisions of this section shall not apply to those persons in an ambulance, firefighting, rescue or police vehicle, or a commercial vehicle used or maintained primarily for the transportation of persons for hire, or in the bed of a pickup truck as defined in 9 CMC § 1102(x) and in accordance with the provisions of 9 CMC § 5809.

(i) The Director of the Department of Public Safety may promulgate rules and regulations to implement the provisions of this section.

Source: PL 3-61, § 1 (§ 408); amended by PL 6-20, §§ 3, 5; PL 7-29, §§ 4, 6; PL 10-55, §§ 2, 3, and 4.

Commission Comment: With respect to the reference to the "Director of the Department of Public Safety," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 10-55 amended subsections (e)(1), (e)(2), and (g) of this section. PL 10-55 took effect April 10, 1997. According to PL 10-55, § 1:

Section 1. Findings and Purpose. The Legislature finds the current law providing that mandatory child restraint systems be utilized is inadequate in light of new information and studies endorsed by the National Transportation Safety Board. In order to insure that the very best safety measures are utilized for the protection of all children being transported in a motor vehicle, our Code must be revised to strengthen the require-

TITLE 9: VEHICLE CODE
DIVISION 4: EQUIPMENT OF VEHICLES

ments for child restraint safety devices and seatbelt use and include a provision prohibiting the transport of any child weighing less than 80 pounds and/or smaller than 54 inches (standing height) in the front passenger seat when the vehicle is equipped with an air bag for that position.

PL 10-55 also contained severability and savings clauses as follows:

Section 5. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 6. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.