

ORDINANCE NO. 1021

AN ORDINANCE WHICH UPON ADOPTION SHALL AMEND, MODIFY, AND ADD TO WHAT HAS BEEN CODIFIED AS SECTION 10.16.441 OF THE DEVILS LAKE MUNICIPAL CODE, AND IN ITS PLACE INCLUDE THE FOLLOWING:

BE IT ORDAINED by the Board of Commissioners for the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter that Section 10.16.441 of the Devils Lake Municipal Code shall be amended, modified, added to as follows:

10.16.441 - Use of safety belts required in certain motor vehicles – Enforcement - Evidence.

- A. Subject to the limitations of this section, a driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven (11) passengers, which was originally manufactured with safety belts unless each occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or safety belt in accordance with section 10.16.440; to drivers of implements of husbandry; to operators of farm vehicles as defined in subsection 5 of NDCC Section 39-04-19; to rural mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician assistant, or advanced practice registered nurse states in a signed writing the nature of the condition and the reason restraint is inappropriate; or when all front seat safety belts are in use by other occupants. A physician, physician assistant, or advanced practice registered nurse who, in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability.
- B. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.
- C. Violation of this section is punishable by a fine not to exceed twenty dollars (\$20.00).

Passed First Reading: August 4, 2025

Passed Second Reading: August 18, 2025

Final Passage and Adoption: August 18, 2025

**CITY OF DEVILS LAKE**

By: \_\_\_\_\_  
Jim Moe, President  
Devils Lake City Commission

ATTEST:

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Spencer Halvorson  
City Administrator/Auditor