

# MOTOR VEHICLES

## CHAPTER 282

S. B. No. 261  
(Meidinger and Kee)

### MANUFACTURER'S PLATE

#### AN ACT

Authorizing factory representatives of passenger motor vehicle manufacturers to purchase a manufacturer's plate which shall be in lieu of all registration fees, sales tax, and use tax on the passenger motor vehicles used by such representatives in the course of their employment.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Manufacturer's Plate; Fee.)** A resident factory representative of any passenger motor vehicle manufacturer may procure from the motor vehicle registrar a manufacturer's plate, which shall be designed by the registrar, for a fee of one hundred and fifty dollars, which fee shall be for a twelve-month period. If such plate is procured at other than the beginning of the registration period such fees shall be prorated on a monthly basis. The procurement of such manufacturer's plate by a factory representative shall be in lieu of the payment of any other registration fees, sales tax, or use tax on the passenger motor vehicle used by the factory representative in the course of his employment for the period for which the manufacturer's plate is current and valid. Such manufacturer's plate shall not be used by any person other than the representative to whom it was issued, nor shall such plate be used on any vehicle other than that vehicle used by the factory representative in the course of his employment. Upon the sale of the vehicle for which such manufacturer's plate was issued, the plate shall be retained by the factory representative and used upon replacement vehicles subsequently acquired from the manufacturer for use in the course of his employment.

Approved March 17, 1959.

## CHAPTER 283

S. B. No. 264  
(Erickson and Roen)

## RECIPROCITY COMMISSION

## AN ACT

To create a motor vehicle registration reciprocity commission; to define its powers and duties; and to provide for reciprocal use of the highways.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Reciprocity Commission; Membership; Powers and Duties.)** There is hereby created a reciprocity commission consisting of the state highway commissioner, the registrar of motor vehicles and the superintendent of the state highway patrol. This commission shall have the power and duty to execute agreements, arrangements, or declarations involving the reciprocal use of the highways of this state by vehicles excepted in part or in full from registration requirements or mile tax payments in lieu thereof.

**§ 2. Secretary to Commission.)** The state highway commissioner shall furnish a secretary to the commission, together with such additional staff as shall be necessary to carry out the functions of the commission.

**§ 3. Reciprocal Use of Highways.)** No person shall operate a vehicle upon the highways of this state unless such vehicle is registered under the laws of this state, has paid the mile tax in lieu of registration, or has complied with the requirements of a reciprocity agreement, arrangement or declaration executed by the reciprocity commission in accordance with powers and authority delegated to the commission by law.

Approved March 16, 1959.

## CHAPTER 284

H. B. No. 622

(Strege, Stallman, Wheeler,)

(Stockman, Renfrow, Bopp)

## TEMPORARY ROADBLOCKS

## AN ACT

Authorizing the establishment of temporary roadblocks on the highways of this state, defining a temporary roadblock, providing minimum requirements in establishing temporary roadblocks, and other matters properly related thereto, providing a penalty, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Definition.)** For the purpose of this Act a temporary roadblock means any structure, device, or means used by police, sheriffs, deputy sheriffs, game wardens, highway patrolmen, agents of the Federal Bureau of Investigation, or officers of the United States Border Patrol, for the purpose of controlling traffic through a point on a highway, road or street, whereby all vehicles may be slowed or stopped.

**§ 2. Authority to Establish Roadblocks.)** The duly authorized law enforcement officers are hereby authorized to establish in their respective jurisdictions, or in other jurisdictions within the state, temporary roadblocks upon the highways, roads and streets of this state for the purpose of apprehending persons wanted for violation of the laws of this state, or of any other state, or of the United States of America, and using the highways, roads or streets of this state for the purpose of escape.

**§ 3. Minimum Requirements.)** For the purpose of warning and protecting the traveling public, the minimum requirements to be met by such officers establishing temporary roadblocks are:

1. The temporary roadblock must be established at a point on the highway clearly visible at a distance of not less than three hundred feet in either direction.
2. At the point of the temporary roadblock, a sign shall be placed on the center line of the highway, displaying the word "STOP" in letters visible in the headlights of an automobile approaching at a distance of two hundred feet in both directions either in daytime or darkness.
3. At the point of the temporary roadblock, at least one red light must be placed at the side of the highway

which shall display an intermittent or flashing beam of light, clearly visible to the oncoming traffic at a distance of not less than three hundred feet under normal atmospheric conditions.

4. At a distance of not less than five hundred feet from the point of the temporary roadblock, warning signs must be placed at the side of the highway containing wording of sufficient size and reflectorized to warn the oncoming traffic that a "POLICE STOP" lies ahead.

**§ 4. Existing Law Preserved.)** Nothing in this Act shall be deemed to limit or encroach upon the existing authority of North Dakota law enforcement officers in the performance of their duties involving traffic control and criminal apprehension.

**§ 5. Penalty.)** Any person who shall proceed or travel through a roadblock without subjecting himself to the traffic control so established shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days, or by both fine and imprisonment.

**§ 6. Emergency.)** This Act is hereby declared to be an emergency and shall be in effect from and after its passage and approval.

Approved March 11, 1959.

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## CHAPTER 285

H. B. No. 579  
(Einarson and Halcrow)

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### SPEED LIMITATIONS

#### AN ACT

To amend and reenact section 24-0114 and section 39-0907 of the 1957 Supplement to the North Dakota Revised Code of 1943 and section 39-0903, subsection 18 of section 40-0501 and subsection 14 of section 40-0502 of the North Dakota Revised Code of 1943, relating to the regulation of speed limits by the highway commissioner, superintendent of state highway patrol and local authorities.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 24-0114 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**24-0114. Determination of Speed.)** The commissioner, with respect to highways under his jurisdiction may conduct an investigation and determine safe speed limits on any state highway as provided under section 39-0902 to include any street(s) within the corporate limits of any village, town or city when such street(s) has been designated as part of any state highway and on any bridge causeway, or viaduct as provided for under section 39-0904.

**§ 2. Amendment.)** Section 39-0903 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0903. Local Authorities May Set Speed Limitations; Signs Posted.)** Local authorities in their respective jurisdictions may set speed limitations greater or less than provided for in section 39-0902, except that the speed limit shall not be altered on any street(s) when such street(s) has been designated as part of any state highway except by mutual agreement with the state highway commissioner. Local authorities shall place and maintain upon all highways upon which such speed limit is set, adequate signs giving notice of such special regulations.

**§ 3. Amendment.)** Section 39-0907 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0907. Speed Zones on State Highways.)** Whenever the state highway commissioner with respect to highways and the superintendent of the North Dakota state highway patrol, shall jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state highway is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of such highway to include streets within the corporate limits of any village, town or city, when such streets have been designated as part of any state highway, said officials acting jointly may determine and declare a reasonable and safe speed limit thereat not in excess of the maximum prescribed by law, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersections or other place or part of the highway.

**§ 4. Amendment.)** Subsection 18 of section 40-0501 of the Revised Code of 1943 is hereby amended and reenacted to read as follows:

**18. Speed of Vehicles and Locomotives.)** To regulate the speed of vehicles and locomotives within the corporate

limits of the corporation, except that the speed limit for vehicles on those streets designated as part of any state highway shall be determined by mutual agreement with the state highway commissioner;

**§ 5. Amendment.)** Subsection 14 of section 40-0502 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0502. Additional Powers of Cities.)**

**14. Traffic Regulation.)** To regulate, control, or restrict within designated zones, or congested traffic districts, except that the speed limit for vehicles on those streets designated as part of any state highway shall be as determined by mutual agreement with the state highway commissioner, the use of streets, alleys, or other public ways by various classes of traffic, except that any municipal regulations shall be ineffective as to common carriers licensed by this state under a certificate of public convenience and necessity until such regulations are approved by the public service commission;

Approved March 11, 1959.

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CHAPTER 286

S. B. No. 142

(Livingston, Erickstad, Longmire, Holand, Garaas)

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CHEMICAL TEST FOR INTOXICATION, IMPLIED CONSENT

AN ACT

Relating to chemical tests of intoxication for drivers of motor vehicles and providing for suspension of operator's license upon refusal to submit to proper test and to amend and reenact section 39-0101 of the North Dakota Revised Code of 1943, as amended, by creating and enacting subsection 61 and to amend and reenact section 39-0801 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to intoxicating liquor and persons under the influence of intoxicating liquor.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Implied Consent to Determine Alcoholic Content of Blood.)** Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent subject to the provisions of this Act to a chemical test, or tests, of his blood, breath, saliva, or urine for the

purpose of determining the alcoholic content of his blood. The test or tests shall be administered at the direction of a law enforcement officer only after placing such person except persons mentioned in section 3 of this Act under arrest and informing him that he is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor.

**§ 2. Persons Qualified to Administer Tests.)** Only a physician, or a qualified technician, chemist or registered nurse acting at the request of a law enforcement officer may withdraw blood for purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath, saliva or urine specimen. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of the test or tests taken at the direction of law enforcement officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the law enforcement officer shall be made available to him.

**§ 3. Consent of Person Incapable of Refusal Withdrawn.)** Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed to have withdrawn the consent provided by section 1 of this Act and the test or tests may not be given.

**§ 4. Revocation of Privilege to Drive Motor Vehicle Upon Refusal to Submit to Chemical Testing.)** If a person under arrest refuses to submit to chemical testing, none shall be given, but the state highway commissioner, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the test or tests, shall revoke his license or permit to drive and any nonresident operating privilege for a period of six months; or if the person is a resident without a license or a permit to operate a motor vehicle in this state the commissioner shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

**§ 5. Administrative Hearing on Request.)** Upon the written request of a person whose privilege to drive has been revoked or denied the commissioner shall grant the person an oppor-

tunity to be heard within ten days after the receipt of the request, but the request must be made within thirty days after arrest. The hearing shall be before the commissioner or his authorized agent in the county wherein the alleged events occurred for which the person was arrested, unless the commissioner or his authorized agent and the person agree that the hearing may be held in some other county. The hearing shall be transcribed and its scope shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor; whether the person was placed under arrest; and, whether he refused to submit to the test or tests. Whether the person was informed that his privilege to drive would be revoked or denied if he refused to submit to the test or tests shall not be an issue. The commissioner or his authorized agent shall order either that the revocation or denial be rescinded or sustained.

**§ 6. Judicial Review.)** If the revocation or denial is sustained, the person whose license or permit to drive or non-resident operating privilege has been revoked or denied, may file a petition within thirty days after the determination by the commissioner or his authorized agent, for a hearing of the matter in the district court in the county wherein the alleged events occurred for which he was arrested or in the county in which the administrative hearing was held. It shall be the duty of the court to set the matter for hearing, and the petitioner shall give twenty days' notice thereof to the commissioner. Within fifteen days after receipt of the notice, the commissioner shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It shall constitute the record on which appeal shall be determined. No additional evidence shall be heard. The court shall affirm the decision of the commissioner or his authorized agent unless it finds the evidence insufficient to warrant the conclusion reached by the commissioner. The court may in its discretion direct that the matter be returned to the commission for rehearing and the presentation of additional evidence.

**§ 7. Interpretation of Chemical Tests.)** Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by a chemical analysis of his blood, breath, saliva or urine is admissible. For the purpose of this section:

1. Evidence that there was, at the time, five-hundredths of one percent or less, by weight of alcohol in his blood, is prima facie evidence that the person was not under the influence of intoxicating liquor;
2. Evidence that there was at that time, more than five-hundredths of one percent and less than fifteen-hundredths of one percent by weight of alcohol in the person's blood is relevant evidence, but it is not to be given prima facie effect in indicating whether the person was under the influence of intoxicating liquor;
3. Evidence that there was, at that time, fifteen-hundredths of one percent or more by weight of alcohol in his blood, shall be admitted as prima facie evidence that the person was under the influence of intoxicating liquor;
4. Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred milligrams of blood;
5. The results of a test given by means of the Harger Drunkometer or other similar device approved by the American Medical Association and the National Safety Council shall be received in evidence when it is shown that the test was fairly administered.

**§ 8. Proof of Refusal Admissible in Any Civil or Criminal Action or Proceeding.)** If the person under arrest refuses to submit to the test or tests, proof of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, provided the person shall first have testified in the action.

**§ 9. Effect of Evidence of Chemical Tests.)** The provisions of this Act do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of intoxicating liquor.

**§ 10. Notice to Other States.)** When it has been finally determined under the procedures of this Act that a non-resident's privilege to operate a motor vehicle in this state has been revoked or denied, the commissioner shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which he has a license.

**§ 11. Application to Prosecutions Under Municipal Ordinances.)** The provisions of this Act shall also apply to prosecutions for the violation of municipal ordinances prohibiting the driving or control of a motor vehicle while under the influence of intoxicating liquor.

§ 12. **Amendment.**) Section 39-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended by creating and enacting subsection 61 to read as follows:

61. "Intoxicating liquor" shall mean and include any beverage containing alcohol.

§ 13. **Amendment.**) Section 39-0801 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0801. Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs Not to Operate Vehicle; Penalty.)**

- a. No person shall drive or be in actual physical control of any vehicle upon a highway in this state if:
  1. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug, or;
  2. He is under the influence of intoxicating liquor.
- b. Any person violating any provision of this section shall upon first conviction be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment. Upon a second or subsequent offense, such person shall be punished by imprisonment for not less than ninety days nor more than one year, and in the discretion of the court, a fine of not more than one thousand dollars.

Approved March 17, 1959.

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CHAPTER 287

H. B. No. 623

(Renfrow, Stallman, Tollefson, Strege,  
Leet, Overbo, Bassingthwaite)

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YIELD RIGHT-OF-WAY SIGNS

AN ACT

To provide for use of yield right-of-way signs and to amend and reenact subsection 49 of section 39-0101 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to through highways.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Vehicle Approaching a Yield Right-of-way Sign.)** In addition to any requirement in law to yield right-of-way the

driver of a vehicle approaching a "yield right-of-way" sign shall slow to a reasonable speed for existing conditions of traffic and visibility, or shall stop if necessary, yielding right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or are so close as to constitute an immediate hazard.

**§ 2. Amendment.)** Subsection 49 of section 39-0101 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49. "Through highway" shall mean every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same when stop signs are erected, or to yield right-of-way when yield right-of-way signs are erected as provided by law;

Approved March 13, 1959.

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## CHAPTER 288

S. B. No. 133

(Ringsak, O'Brien, Wartner, Brooks)

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### EMERGENCY VEHICLES

#### AN ACT

To amend and reenact section 39-0101 of the 1957 Supplement to the North Dakota Revised Code of 1943 by creating and enacting subsection 60 of such section relating to a definition of an authorized emergency vehicle and to amend and reenact sections 39-1003 and 39-1026 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to operation of authorized emergency vehicles.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 39-0101 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended by creating and enacting subsection 60 thereto which shall read as follows:

60. "Authorized emergency vehicles" shall include any of the following types:
- (a) A vehicle publicly or privately owned and operated in the performance of his duty, by a member of any police or fire department, including the North Dakota game and fish department, any sheriff or deputy sheriff, or any member of the North Dakota highway patrol.

- (b) A vehicle publicly owned and operated in the performance of his duty by a member of any federal governmental agency, to include all branches of the military service, when engaged in police, fire fighting or ambulance type service.
- (c) When used in responding to emergency calls, any ambulance, wrecker, or civil defense vehicle equipped with a top red light, three flares and three red flags with stake mounts.

§ 2. **Amendment.)** Section 39-1003 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1003. Authorized Emergency Vehicles.)** The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

1. The driver of an authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this chapter;
  - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - c. Exceed the speed limit so long as he does not endanger life or property;
  - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to an authorized emergency vehicle shall apply only when it is operated upon official business and the driver sounds an audible signal by bell, siren, or exhaust whistle or gives adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred feet.
3. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

§ 3. **Amendment.)** Section 39-1026 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1026. Operation of Vehicles on Approach of Authorized Emergency Vehicles.)**

1. Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bell, siren, or

- exhaust whistle or displaying a visible flashing red light the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing red light approaching traffic shall move to the right hand edge or curb of the roadway and shall stop but once having stopped traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer.
  3. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Approved March 10, 1959.

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## CHAPTER 289

S. B. No. 42

(Johnson, Luick, Saumur, Krause, Roen)  
(From LRC Study)

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### REVISION OF MOTOR VEHICLE LAWS

#### AN ACT

To create and enact section 39-0110, to amend and reenact section 39-0205, subsection 4 of section 39-0501, subsection 1 of section 39-0505 and section 39-1207 of the North Dakota Revised Code of 1943, and section 39-0102, subsection 1 of section 39-0309, sections 39-04A06, 39-04A07, 39-0510, 39-0803, 39-0902, 39-1102, and 39-1208 of the 1957 Supplement of the North Dakota Revised Code of 1943; to amend and reenact chapter 39-04 of the North Dakota Revised Code of 1943, as it may be amended, and to repeal subsection 4 of section 39-04A04, and sections 39-0504 and 39-0514 of the North Dakota Revised Code of 1943, as they may be amended, and to repeal section 39-0513 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to motor vehicles' operation and registration and the use of motor vehicles on the highways and streets of this state.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) Section 39-0110 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

**39-0110. Proof of Payment of Registration Fees and Taxes.)**

The motor vehicle registrar and the state highway commissioner are hereby authorized to require all owners or operators of motor vehicles using the highways of this state or registered in this state to show proof of the payment of all proper taxes and registration fees upon such motor vehicles.

**§ 2. Amendment.)** Section 39-0205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0205. Records of the Department Open to Public Inspection.)** All registration and license records in the office of the department shall be public records and shall be open to inspection by the public during business hours. The motor vehicle registrar shall charge a uniform fee, not to exceed one dollar, for each item of information furnished to any person concerning a specific motor vehicle. However, such charges shall not be assessed to a person requesting information concerning a motor vehicle of which he is the owner, nor shall such charges apply to law enforcement officials requesting motor vehicle information in their official capacity. All fees received under the provisions of this section shall be credited to the motor vehicle registration fund.

**§ 3. Amendment.)** Subsection 4 of section 39-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation or association doing business in several cities or in several locations within a city shall be considered a separate dealer in each such location;

**§ 4. Amendment.)** Subsection 1 of section 39-0505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. A full description of the motor vehicle, including the name of the maker, either the engine, serial, or identification number, and any other distinguishing marks thereon;

**§ 5. Amendment.)** Section 39-1207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1207. Peace Officers May Weigh Vehicle to Determine Load: Decreasing Gross Weight of Vehicle.)** Every police officer, including members of the state highway patrol and appointees of the state highway department, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose he may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this chapter.

**§ 6. Amendment.)** Section 39-0102 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0102. State-owned Motor Vehicles to Have Name Painted on Side of Vehicles; Penalty for Failure.)** All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry shall have painted on each front door the following words: NORTH DAKOTA, in letters four inches in height. Two and one-half inches directly below such words shall be printed in letters one and one-half inches in height the name of the department, institution or industry of the state owning or operating such motor vehicle. The above requirements shall not apply to cars owned and operated by the state highway patrol or cars used principally in institutional, juvenile, parole and placement service; or to any truck owned by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

**§ 7. Amendment.)** Section 39-04A06 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-04A06. Exceptions.)** This chapter shall not apply to any bona fide resident farmer who shall:

1. Transport property between farms and the usual local trading places, between farms locally, or transport farm equipment owned by a bona fide resident farmer of this state when such farm equipment is transported in vehicles owned by such resident farmer;
2. Transport his own livestock or commodities from his farm with his own truck to any village, market, or place

where such livestock and commodities are to be sold, stored, or otherwise disposed of, or transport livestock or commodities from any village, city or place where same is purchased or acquired to his farm where such supplies are to be used, consumed, or processed;

3. In the normal course of his business exchange work with his neighbors.

In addition, any person transporting property within the city or village limits or not to exceed two miles from the corporate or recognized limit of such city or village shall be excepted from the provisions of this chapter.

**§ 8. Amendment.)** Section 39-04A07 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-04A07. Enforcement.)** It shall be the duty of the state highway patrol and highway department appointees to enforce the provisions of this chapter.

**§ 9. Amendment.)** Section 39-0510 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0510. Registration Card; Issuance; Contents; Signing of.)** Upon registering a motor vehicle, the department shall issue to the applicant a registration card which shall set forth:

1. The date issued;
2. The registration number assigned to the applicant and to the vehicle;
3. A description of the registered vehicle, including either the engine, serial, or identification number;
4. A space for the signature of the applicant; and
5. Such other statements of fact as may be determined by the department.

Upon receiving a registration card, the applicant shall sign his usual signature or name with pen and ink in the space provided upon such card.

**§ 10. Amendment.)** Section 39-0803 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0803. Reckless Driving; Penalty.)** Any person shall be guilty of reckless driving if he drives a vehicle upon a highway:

1. Carelessly and heedlessly in willful or wanton disregard of the rights or safety of others; or
2. Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.

Except as otherwise herein provided, any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment. Upon a second or a subsequent offense, such person shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. Any person, however, violating the provisions of this section, who by reason of reckless driving as herein defined, causes and inflicts injury upon the person of another, shall be guilty of aggravated reckless driving, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court.

**§ 11. Amendment.)** Section 39-0902 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0902. Speed Limitations.)** a. Subject to the provisions of section 39-0901 and except in those instances where a lower speed is specified in this chapter, it presumably shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding:

1. Twenty miles an hour when approaching within fifty feet of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;
2. Twenty miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;
3. Twenty miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Twenty miles an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet;
5. Twenty-five miles an hour on any highway in a business district or in a residence district or in a public park, unless a different speed limit is designated and posted by local authorities; and
6. Fifty-five miles an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

b. The highway commissioner may designate and post special areas of the state highways where the maximum speed limit of sixty-five miles an hour is permitted for passenger vehicles from sunrise to sunset. For the purposes of this section a pickup truck not exceeding a gross weight of eight thousand pounds shall be regarded as a passenger vehicle. The highway commissioner may also designate and post special areas of state highways where lower speed limits shall be observed as he shall deem warranted by conditions.

c. It shall be unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding sixty-five miles an hour for passenger vehicles or fifty-five miles an hour for trucks. It shall be prima facie unsafe for any person to exceed any highway speed limit prescribed by law or established pursuant to law.

d. In charging a violation of the provisions of this section, the complaint shall specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes shall be prima facie lawful at the time and place of the alleged offense.

§ 12. Amendment.) Section 39-1102 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1102. Headlamps on Motor Vehicles.)** Every motor vehicle other than a motorcycle, road roller, road machinery, or farm tractor shall be equipped with at least two headlamps with at least one headlamp on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in sections 39-1103 and 39-11031, and shall be of a type which has been approved.

§ 13. Amendment.) Section 39-1208 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1208. Penalty for Violation of Chapter.)** Any person violating any of the provisions of chapter 39-12 of the North Dakota Revised Code of 1943, as it may be amended, is guilty

of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

**§ 14. Amendment.)** Subsection 1 of section 39-0309 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- \*1. Of a peace officer for the purpose of enforcing the provisions of this title relating to operators' licenses and of any other law regulating the operation of vehicles or the use of the highways, and in addition the highway patrol shall enforce all laws relating to the use or presence of alcoholic beverages in motor vehicles using the highways or streets of this state;

**§ 15. Amendment.)** Chapter 39-04 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

**39-0401. Definitions.)** In this chapter, unless the context or subject matter otherwise requires:

1. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, or association doing business in several cities or villages or in several locations within a city shall be considered a separate dealer in each such location;
2. "Specially constructed vehicle" shall mean any vehicle which shall not have been constructed originally under the distinct name, make, model, or type, by a generally recognized manufacturer of vehicles;
3. "Essential parts" shall include all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle;
4. "Reconstructed vehicle" shall mean any vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used. A reconstructed vehicle may be registered upon the payment of the same fees for the calendar year that are paid for a motor vehicle of comparable make and year as the reconstructed vehicle;
5. "Foreign vehicle" shall mean every motor vehicle which shall be brought into this state otherwise than in the

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\*Note: Subsection 1 of section 39-0309 was also amended by chapter 236, section 2.

- ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state;
6. "Commercial passenger transportation" shall mean the carriage of passengers for hire, except that such term shall not include:
    - a. The carriage of passengers within the limits of a city or village;
    - b. The carriage by local bus lines of passengers to or from a railroad station from or to places within any city or village or within two miles of the limits thereof;
  7. "Commercial freighting" shall mean the carriage of things other than passengers, for hire, except that such terms shall not include:
    - a. The carriage of things other than passengers within the limits of the same city or village;
    - b. Carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or village or in the immediate vicinity thereof, in this state, and not to exceed two miles from the corporate or recognized limits of said city or village; or
    - c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market;
  8. "Gross weight" shall mean the total of the unloaded weight of the vehicle, or combination of vehicles, and the load carried thereon.

**39-0402. Application for the Registration of a Motor Vehicle; Contents.)** Application for the registration of a motor vehicle shall be made as is provided in this section:

1. Application shall be made by the owner thereof upon appropriate forms approved or furnished by the registrar, and every application shall be signed by the owner and shall contain his residence, address and a brief description of the vehicle to be registered, including the name of the maker, either the engine, serial, or identification number, if any, whether new or used, and the last license number known, and the state in which issued, and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain such other information as may be required by the registrar; and
2. If the motor vehicle for which registration is sought is a specially constructed, reconstructed, or foreign vehicle, such facts shall be stated in the application. The owner

of every foreign motor vehicle which has been registered outside of this state shall exhibit to the registrar the certificate of the title and registration card or such other evidence as will satisfy the registrar that the applicant is the lawful owner or possessor of the vehicle; and

3. If the motor vehicle for which registration is sought has a manufacturer's identification number other than on the engine, such identification number shall be included in the application, and when so registered, such identification number shall be deemed to include the engine number; and
4. If the vehicle for which registration is sought is a new vehicle, no registration shall be issued unless a certificate of origin executed by the manufacturer of such vehicle is attached to the application for registration or is attached to the application for the certificate of title for such vehicle. If the new motor vehicle for which registration is sought is of foreign manufacture, the certificate of origin shall be furnished by the importer of such vehicle.
5. In applying for such certificate of title the buyer shall state his post office address and the county and city or township of his residence and the dealer shall make specific inquiry relative thereto before filling such information in the application blank.

**39-0403. Size of Tires To Be Given in Application When Truck, Combination Truck, or Trailer Registered.)** All applicants for the registration of a motor truck or a combination of truck or trailer shall state on the application the size or sizes of tires used on the vehicle to be registered.

**39-0404. Register of Applicants To Be Kept by the Department; Destruction of Application.)** The department shall file each application received, and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:

1. Under a distinctive registration number assigned to the vehicle and to the owner thereof, referred to in this chapter as the registration number;
2. Alphabetically under the name of the owner; and
3. Numerically by the serial or identification number of the vehicle.

Such application may be destroyed by the department after it is two years old.

**39-0405. Registration Refused When.)** The department shall not grant an application for the registration of a motor vehicle in any of the following events:

1. When the applicant therefor is not entitled thereto under the provisions of this chapter;
2. When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form, or reasonable additional information required by the department;
3. When the fees required therefor by this title have not been paid; or
4. When any sales tax or use tax required by law to be paid has not been paid in case of a motor vehicle for which such registration is requested for the first time in this state.

**39-0406. Registration Rescinded; When.)** The department shall rescind and cancel the registration of a motor vehicle:

1. When the department shall determine that a vehicle is unsafe or unfit to be operated or is not equipped as required by law;
2. Whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person or on a motor vehicle not entitled thereto; or
3. Whenever a check is returned to the department because of insufficient funds, the license shall be canceled thirty days after notification by regular mail. The provisions of chapter 39-04 of the North Dakota Revised Code of 1943, as it may be amended, shall be followed upon the renewal of the registration, after thirty days.

**39-0407. Department to Suspend Registration Upon Notice of Theft or Embezzlement.)** Whenever the owner of any motor vehicle which is stolen or embezzled files an affidavit alleging either of such facts, the department immediately shall suspend the registration of such vehicle and shall not transfer the registration thereof nor reregister the same until such time as it shall be notified that the owner has recovered such vehicle. Notices given as provided in this section shall be effective only during the current registration year in which given, but if during such year such vehicle is not recovered a new affidavit may be filed with like effect during the ensuing year. Every owner who has filed an affidavit of theft or embezzlement immediately must notify the department of the recovery of such vehicle.

**39-0408. Number Plates Furnished by Department.)** The department shall furnish to every motor vehicle owner two

number plates for each registered motor vehicle, and one number plate for each registered motorcycle or house trailer.

**39-0409. Registrar May Design and Issue Number Plates.)**

The registrar may design and issue plates of distinctly different color every four years for each classification of motor vehicle, and there shall at all times be a marked contrast between the background color of the plates and that of the numerals and letters thereon.

**39-0410. Special Plates for Amateur Radio Station License Holders.)**

Passenger motor vehicle owners who are residents of the state of North Dakota and who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, Washington, D.C., upon application to the motor vehicle registrar, accompanied by proof of ownership of such amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws, shall be issued special number plates in lieu of the number plates ordinarily issued, upon which shall be inscribed the official amateur radio call letters of such applicant as assigned by the federal communications commission. Such applications must be filed by October first prior to the year of issuance. The motor vehicle registrar shall make such rules and regulations as may be necessary and shall require compliance with all state license laws relating to use and operation of private passenger cars before issuing such plates.

The motor vehicle registrar shall furnish to the sheriff of each county in the state of North Dakota an alphabetically arranged list of the names and special plate letters of each person to whom a plate is issued under the provisions of this section, and it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.

**39-0411. Display of Number Plates.)** Except as otherwise specifically provided, no person shall operate or drive a motor vehicle on the public highways of this state unless such vehicle shall have a distinctive number assigned to it by the registrar, and two number plates, bearing such number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of such vehicle, each securely fastened, except number plates assigned to a motorcycle or house trailer shall be attached to the rear thereof. As far as is reasonably possible, such plates shall at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of regis-

tration or licensing except for the current year shall be removed from such vehicle. All motor vehicle license plates issued by the registrar, shall continue to be the property of the state of North Dakota for the period for which said plates are valid.

**39-0412. Contents of Number Plates; Size of Letters and Numerals on Plates; Reflectorized; Tabs or Stickers; Additional Fee.)** Number plates shall be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and shall be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all such number plates shall be legible for a minimum distance of one hundred feet to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each standard six inch by twelve inch finished numeral plate except trailer plates and dealer's plates shall be treated with a reflectorized material according to the specifications prescribed by the registrar. The registrar shall furnish such number plates for a four-year period commencing January 1, 1958. In any year during which number plates are not furnished the registrar shall furnish for each annual registration a year plate, tab, or sticker to designate the year of registration. This plate, tab, or sticker shall show the calendar year for which issued, and is valid only for that year. It shall be unlawful for any person to transfer to another vehicle the number plate, tab, or sticker during the period or calendar year for which issued. For the purpose of procuring number plates which are treated for increased visibility as hereinbefore provided, an additional fee of fifty cents per year for each registration of a vehicle shall be added to the registration fee, which additional fee shall be deposited by the registrar with the state treasurer. The funds so deposited shall be known as the "license plate revolving fund" and disbursements therefrom shall be made by warrants drawn by the registrar on vouchers duly approved by the state auditor.

**39-0413. Duplicates To Be Obtained Upon Registration Card When Number Plates Are Lost, Mutilated, or Illegible.)** If any number plate or registration card issued under the provisions of this chapter shall be lost, mutilated, or shall have become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the department and upon payment of the required fees, which shall not exceed three dollars.

**39-0414. Renewal of Registration.)** Every vehicle registration under this chapter shall expire December thirty-first each year and shall be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year. An owner who has made proper application for renewal of registration of a vehicle previous to January first but who has not received the number plates, plate, or registration card for the ensuing year shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time, to be prescribed by the department, as may be required for the issuance of such new plates.

**39-0415. When Registration Fees Become Due and Delinquent.)** The registration fee for a motor vehicle shall become due as soon as such vehicle first is used upon the highways of this state and upon January first in each year thereafter. The annual registration fee shall be paid upon transfer of ownership in the vehicle and in any event on or before February first, and shall be delinquent after February first unless paid. Except as otherwise provided in this chapter, license fees falling due between February first and December thirty-first shall become delinquent upon the expiration of five days after the same become due.

**39-0416. Penalty for Delinquent Registration Fees; Exception.)** A penalty of ten cents a day shall be added to the license fees required by the provisions of this chapter for each and every day such license fee shall be delinquent, for not more than fifteen days, and two dollars for every thirty days or fraction thereof, not to exceed one hundred and fifty days. If the registrar is satisfied that a vehicle is not owned by a dealer and that it has not been operated on the highways during one or more years previous to the application for reregistration, no penalty fee shall be charged.

**39-0417. Certificate of Notary Showing Compliance With Registration Is Prima Facie Evidence.)** The possession of a certificate made out by the notary public who took acknowledgment of the application when the vehicle was first registered or required to be registered under the laws of this state, where such certificate shows the date of application, the make and model of the motor vehicle, the manufacturer's number of the motor vehicle which such application describes, and further shows that such notary public personally mailed the application with the remittance fee, shall be prima facie evidence of compliance with the motor vehicle law with reference to the motor vehicle therein described, for a period of fifteen days from the date of such application.

**39-0418. Motor Vehicles Exempt From Registration Fees; Reciprocal Use of State Highways by Foreign Licensed Motor Vehicles.)**

1. Except as provided in this section, every motor vehicle as defined in subsection 2 of section 39-0101 of the North Dakota Revised Code of 1943, as it may be amended, operated or intended to be operated upon any highway, road, or street in this state shall be registered annually with the motor vehicle registrar. Any vehicle being operated on the highways, roads, or streets of this state shall display such license plates as are furnished by the motor vehicle registrar upon the payment of the fees prescribed in chapter 39-04 of the North Dakota Revised Code of 1943, as it may be amended.

Upon satisfactory proof to the registrar that a motor vehicle owned by a resident of this state was not used upon any of the highways of this state in any one or more years, such motor vehicle may be registered upon payment of the registration fee for the current year, and upon further payment of a flat five dollars for each calendar year for which the vehicle was not registered and no license fee was paid therefor.

Any resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense any motor vehicle owned by him without paying any fee for the intervening years when such vehicle was not licensed, nor any penalties therefor, providing such veteran shows by suitable affidavit that such vehicle was not in use during any year in which it was not licensed. Such vehicle shall be licensed for the license fee applicable to the month of the year in which application for license is made.

2. The following motor vehicles may be operated upon the highways, roads, and streets of this state without being registered, under such limitations as are herein specified, provided, however, that whenever the reciprocity commission determines that it is to the best interest of the state of North Dakota and determines by reciprocal agreement or otherwise that as great or greater privileges are not granted North Dakota residents while traveling in other states or territories, they may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:

- a. Farm tractors as defined in subsection 5 of section 39-0101 of the North Dakota Revised Code of 1943, as it may be amended, and road rollers and other road construction or maintenance machinery that cannot be operated on the highways and streets of this state in a normal operating manner.
- b. Motor vehicles owned and operated by Indian mission schools or by this state or any of its agencies, depart-

- ments or political subdivisions, provided, however, that such vehicles shall display license plates provided by the motor vehicle registrar at actual cost.
- c. Motor vehicles registered in any other state or territory when coming into this state a distance not exceeding twenty miles, provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state for any purpose and are not gainfully employed or stationed in this state. Nor shall such vehicles be required to pay any other tax, and no registration fee or tax shall be required when such vehicles do not leave the incorporated limits of any village or city while in the state of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city, village, or contiguous cities and villages, and twenty miles distant therefrom. Nothing contained in this section shall be construed as preventing trucks from coming into the state such distance as shall be necessary to reach the nearest railway shipping station.
  - d. Motor vehicles owned and operated by the United States government, or any foreign government, or any of their agencies or departments, provided, however, that such motor vehicles shall display identification plates.
  - e. Passenger motor vehicles registered in any other state or territory, provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state for any purpose and are not gainfully employed or stationed in this state.
  - f. Motor vehicles owned and operated by a manufacturer of motor vehicles when such motor vehicles are operated or moved such distance as may be authorized by the motor vehicle registrar from the factory where manufactured or assembled, to a depot or place of shipment, or other point of delivery, provided, however, that such vehicles have displayed in plain sight the name and address of the manufacturer and a written permit from local police authorities.
  - g. Motor vehicles owned and operated by a licensed North Dakota motor vehicle dealer from a railway depot, warehouse, salesroom, or place of shipment, provided, however, that such vehicles have displayed in plain

sight the name and address of the dealer and a written permit from the local police authorities.

- h. Motor vehicles owned and operated by nonresidents engaged in harvest of agricultural products from August first through November fifteenth of any one year, provided, however, that such motor vehicles have displayed thereon a decal or other means of identification issued by the motor vehicle registrar upon payment of a fee of twenty-five dollars.
- i. Passenger motor vehicles owned and operated by nonresident military personnel stationed in this state, provided such motor vehicle is registered in the state or territory whereof such military person is a resident and provided further that current license plates from such state or territory are displayed on such motor vehicle.
- j. Passenger motor vehicles or pickup trucks not exceeding ten thousand pounds gross weight owned and operated by a disabled veteran under the provisions of Public Law 663 of the 79th Congress of the United States, provided, however, that such vehicles display a distinctive license plate issued by the motor vehicle registrar upon the payment of one dollar. Such license plate shall not be transferable and registration of such vehicles shall expire upon transfer of ownership.
- k. Motor vehicles having not over two axles owned and operated by nonresidents and any motor vehicle of three axles or more operated in this state pursuant to a proportional licensing or other agreement or arrangement with any jurisdiction having motor vehicle registration authority.
- l. Motor vehicles owned and operated by the holder of a valid building mover's permit issued by the public service commission, or by a resident well driller, provided, however, that such vehicles are used only for moving buildings or building moving equipment, or on which is mounted well drilling equipment; provided further that such vehicles display a special license plate issued by the motor vehicle registrar upon the payment of a fee of twenty-five dollars for two axle trucks, fifty dollars for single axle truck-tractor units and seventy-five dollars for each tandem axle truck-tractor unit.

Any vehicle which has been issued this special motor vehicle license may be registered under the regular motor vehicle registration law, by payment of the difference between the amount paid for the special motor vehicle license and the regular registration fee for such vehicle and surrendering of such special license plate.

Any vehicle which has been issued this special motor vehicle license and is found being operated upon the highways of this state without being equipped with special house moving or well drilling equipment, shall forfeit the fee paid and in addition, shall be required to register under the regular motor vehicle registration law of this state. None of the above limitations shall be construed as restricting the operation of the special licensed vehicle when such operation would not require a greater fee than that paid for this operation.

3. In addition to any other penalties provided by law, any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days or by both such fine and imprisonment.

**39-0419. Motor Vehicle Registration Fees and Mile Tax.)**

Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the state highway commissioner, shall pay the following fees:

- a. Vehicles or combinations of vehicles having three axles or less, one and one-half cents per mile;
- b. Vehicles or combinations of vehicles having four axles, two cents per mile;
- c. Vehicles or combinations of vehicles having five axles or more, three cents per mile.

All fees collected under the provisions of this subsection shall be credited to the state highway construction fund.

2. Motor vehicles required to be registered in this state shall be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle first becomes subject to registration other than at the beginning of the registration period such fees shall be prorated on a monthly basis:

- a. Passenger motor vehicles, including buses for hire, hearses and ambulances:

**Years Registered**

Weight	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th and Sub- sequent Years
2399 or less	\$ 16.50	\$ 13.25	\$ 10.00	\$ 6.75
2400-2799	22.00	17.75	13.25	9.00
2800-3199	27.50	22.00	16.50	11.00
3200-3599	33.00	26.50	20.00	13.25
3600-3999	38.50	31.00	23.25	15.50
4000-4499	49.50	39.75	30.00	20.00
4500-4999	66.00	53.00	39.75	26.50
5000-5999	93.50	75.00	56.25	37.50
6000-6999	121.00	97.00	72.75	48.50
7000-7999	148.50	119.00	89.25	59.50
8000-8999	176.00	141.00	105.75	70.50
9000 and over	203.50	163.00	122.25	81.50

In addition to the fees required in this subsection and section 49-1832 of the North Dakota Revised Code of 1943, as it may be amended, all motor buses used for the transportation of persons for hire over the highways of this state, which have a seating capacity of more than seven passengers shall pay an annual additional license fee of eight dollars and fifty cents for each passenger capacity in excess of seven. The registrar shall design a distinctive number plate for such vehicles. Motor passenger buses operating exclusively within the corporate limits of any village or city shall not be required to pay this fee.

- b. School buses and trucks or combination trucks and trailers, including commercial and noncommercial trucks:

**Years Registered**

Gross Weights	1st, 2nd Years	3rd, 4th Years	5th, 6th Years	7th and Sub- sequent Years
0 to 4,000	\$ 15.75	\$ 12.75	\$ 9.50	\$ 4.25
4,001- 6,000	21.00	17.00	12.75	6.50
6,001- 8,000	26.25	21.00	15.75	8.50
8,001-10,000	31.50	25.25	19.00	10.50
10,001-12,000	36.75	29.50	22.75	12.75
12,001-14,000	42.00	33.75	25.25	14.75
14,001-16,000	47.25	38.00	28.50	17.00
16,001-18,000	52.50	42.00	31.50	19.00
18,001-20,000	57.75	46.25	34.75	21.00
20,001-22,000	63.00	50.50	38.00	23.25
22,001-24,000	68.25	54.75	41.00	25.25

Gross Weights	Years Registered		
	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th and Subsequent Years
24,001-26,000	\$ 159.50	\$ 127.50	\$ 96.00
26,001-28,000	187.00	149.50	112.00
28,001-30,000	220.00	176.00	132.00
30,001-32,000	253.00	202.50	152.00
32,001-34,000	286.00	229.00	171.50
34,001-36,000	319.00	255.00	191.50
36,001-38,000	352.00	281.50	211.00
38,001-40,000	385.00	308.00	231.00
40,001-42,000	418.00	334.50	251.00
42,001-44,000	451.00	361.00	270.50
44,001-46,000	484.00	387.00	290.50
46,001-48,000	517.00	413.50	310.00
48,001-50,000	550.00	440.00	330.00
50,001-52,000	583.00	466.50	350.00
52,001-54,000	616.00	493.00	370.00
54,001-56,000	649.00	519.00	389.50
56,001-58,000	682.00	545.50	409.00
58,001-60,000	715.00	572.00	429.00
60,001-62,000	748.00	609.50	449.00
62,001-64,000	781.00	625.00	468.50
64,001-66,000	814.00	651.00	488.50
66,001-68,000	847.00	677.50	508.00
68,001-70,000	891.00	715.00	535.00
70,001-72,000	946.00	759.00	568.00
72,001-73,280	990.00	803.00	594.00

c. Motorcycles:

- (1) Without side car, five dollars per motorcycle
- (2) With side car, eight dollars per unit

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 663 of the 79th Congress of the United States shall be exempt from the payment of state sales or use tax and, if paid, such veterans shall be entitled to a refund.

4. The fee for a trailer identification plate for all privately owned trailers shall be two dollars; for all trailers which are offered for lease or rent to the public, five dollars; and for all commercial trailers, ten dollars.

5. Vehicles having a gross weight of more than 24,000 but not more than 40,000 and which are used as farm vehicles only, shall be entitled to registration upon payment of fifty percent of the fee prescribed in subsection 2b of this section. A farm vehicle shall be considered, for the purpose of this subsection, as a motor vehicle owned and operated by a bona fide resident farmer who uses such vehicle exclusively for

transporting his own property between farms and the usual local trading places and not for hire. The registrar shall issue a distinctive registration plate for such vehicles.

**39-0420. Additional Fees Required of Trucks.)** In addition to the registration fee provided for in this chapter, a truck used as a common carrier or contract carrier shall pay the additional fee provided for in section 49-1832.

**39-0421. Fees for Motor Vehicles First Registered in State.)** When a motor vehicle first becomes subject to registration during the calendar year, the registration fee shall be for the remainder of the year prorated on a monthly basis, one-twelfth of the annual registration fee for each calendar month or fraction thereof. Penny adjustments shall be carried to the next quarter dollar. Temporary registrations shall be issued in such manner as is prescribed by the motor vehicle registrar.

**39-0422. Motor Vehicle Exceeding Gross Weight for Which Licensed Not To Be Operated on Highway.)** A motor vehicle, or a combination of motor vehicles, shall not be operated upon the highways of this state when the gross weight exceeds the gross weight for which the vehicle or combination of vehicles was licensed. Any person violating the provisions of this section shall be required to license such motor vehicle at the higher legal rate in accordance with the weight carried by the motor vehicle at the time of the violation for the entire license period. However, such registration shall not be construed to authorize the movement of loads in violation of chapter 39-12 of the North Dakota Revised Code of 1943, as it may be amended.

**39-0423. Registered Motor Vehicle Transporting Property May Change Registration to Higher Gross Weight.)** Any owner of a motor vehicle transporting property who has licensed such vehicle for any gross weight limitations, may change such registration to a higher gross weight limitation, by the payment of the difference between the fee required for the new registration and the fee paid for the registration under which the vehicle is being operated. If such owner makes an application for such change of registration, such additional registration fee shall be for the remainder of the year prorated on a monthly basis, one-twelfth of the annual higher registration fee for each calendar month or fraction thereof. In no event shall such fee be less than three dollars.

**39-0424. Registrar to Determine Weight of Motor Vehicle When Manufacturer's Weight Unknown.)** Any passenger motor vehicle not having an advertised manufacturer's weight shall pay a license fee based upon the actual weight as determined by the registrar from satisfactory proofs submitted to

him. Any truck not having a manufacturer's advertised load capacity shall pay a license fee in accordance with the schedules provided in this chapter and applicable thereto upon its load capacity as determined by the registrar upon satisfactory proofs submitted to him.

**39-0425. Seasonal Registration of Passenger Buses Permitted When.)** If, when the regular passenger vehicle fee is to be paid on a motor bus transporting persons for hire, a notice and a satisfactory showing is made to the registrar that the operation of such motor bus is seasonal only, requiring the use of the equipment for less than six months in any one year, the registrar may order the applicant for license to pay one-half of the bus seat tax provided for in subsection 2a of section 39-0419 of the North Dakota Revised Code of 1943, as it may be amended, and one-half of the regular registration fee provided for in subsection 2a of section 39-0419 of the North Dakota Revised Code of 1943, as it may be amended. The number plates issued for such motor bus shall be returned to the registrar by the owner of such vehicle at the end of such season.

**39-0426. Registration of Vehicles Transporting Property; Based on Gross Weight; Minimum Gross Weight.)** The registration and license fee for a motor vehicle or for any lawful combination of motor vehicles used for the transportation of property shall be based upon the gross weight of such motor vehicle or combination of vehicles. The minimum gross weight for which such motor vehicle or combination of motor vehicles can be licensed shall be double the unloaded weight of such motor vehicle or such combination of vehicles and, subject to such minimum, the owner of any motor vehicle or combination of vehicles in his application for license shall set out the gross weight for which he desires a license.

**39-0427. Manufacturer or Dealer to Give Notice of Sale or Transfer.)** Every manufacturer or dealer, upon transferring a motor vehicle, whether by sale, lease, or otherwise, to any person other than a manufacturer or dealer, immediately shall give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee, and such description of the vehicle as may be called for in such official form.

**39-0428. Motor Vehicle and Motorcycle Dealers Licenses; Fees; Additional Number Plates.)** It shall be unlawful for any person, partnership or corporation to engage in the business of buying, selling or exchanging of motor vehicles, or to advertise or hold himself out to the public as engaging in the buying, selling or exchanging of motor vehicles, or to engage

in the buying of motor vehicles for resale, unless he possesses a current dealer's license for which he shall pay a license fee of twenty-five dollars per year, and with which shall be issued one set of dealer's plates. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of twenty-five dollars per set. Such number plates may be used on any car owned by the dealer. In addition to the dealer's license plate the motor vehicle registrar may issue to any dealer holding a regular dealer's license plate an in transit license plate for a fee of two dollars per plate. Such plate may be used on vehicles in lieu of dealer's plates while a motor vehicle is in transit from its place of manufacture or any other place to the dealer. Additional special plates may be issued by the registrar to any dealer, for a fee of two dollars, which special plate shall be used only on a vehicle while:

- a. It is being demonstrated within a radius of fifteen miles of the licensee's place of business to a prospective buyer, or being tested by a mechanic within a radius of fifteen miles of the licensee's place of business, or
- b. It is being transferred from the licensee's place of business or used car lot to another place of business or used car lot for display or sale.

A motorcycle dealer shall pay a license fee of five dollars for each set of motorcycle number plates issued to him. Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone until and unless the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has an established place of business, and has facilities and equipment for the maintenance, servicing and repair of motor vehicles. An established central place of business, when used in this section, means a permanent and enclosed building or structure either owned in fee or leased at a stated periodic rental, at which a permanent business of bartering, trading, and selling of motor vehicles, the repair, maintenance, and servicing of motor vehicles and the storage of parts and accessories therefor, will be carried on as such in good faith and not for the purpose of evading this section, and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place, and shall not mean a residence, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. Said central place of business may consist of several buildings, or structures, but no building or structure constituting a part of said central

place of business shall be located at a distance greater than one thousand feet from any of the other buildings or structures of said central place of business. If the license is granted hereunder the licensee shall be permitted to use unimproved lots and premises for sales, storage and/or display of motor vehicles.

If the licensee desires to remove from the central established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements hereinbefore set forth.

**39-0429. Certificate of Title To Be Delivered.)** Every person, firm or corporation upon the sale and delivery of any motor vehicle shall within ten days after such sale deliver to the vendee a certificate of title covering said motor vehicle endorsed according to law.

**39-0430. Cancellation of Licenses.)** Whenever any dealer in motor vehicles has violated any of the requirements or provisions of law relating to dealers in motor vehicles under the provisions of title 39 of the North Dakota Revised Code of 1943, or has been convicted of a felony, or shall have ceased to have an established place of business as herein required, the motor vehicle registrar may cancel and revoke the dealer's license, and such cancellation and revocation shall be done in the manner and according to the procedure prescribed in chapter 28-32 of the North Dakota Revised Code of 1943.

**39-0431. Bond Required.)** Before the issuance of a motor vehicle dealer's license, as provided by law, the applicant for such license shall furnish a surety bond executed by the applicant as principal and executed by a surety company, licensed and qualified to do business within the state of North Dakota, which bond shall run to the state of North Dakota, be in the amount of five thousand dollars and be conditioned upon the faithful compliance by said applicant as a dealer, if the license be issued to it or him, that such dealer will comply with all of the statutes of the state of North Dakota, including this chapter, regulating or being applicable to the business of said dealer as a dealer in motor vehicles, and indemnifying any person dealing or transacting business with said dealer in connection with any motor vehicle from any loss or damage occasioned by the failure of such dealer to comply with any of the provisions of title 39 of the North Dakota Revised Code of 1943, as amended, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in any such transaction, and that such bond shall be filed with the registrar of motor vehicles prior to the

issuance of license provided by law. The aggregate liability of the surety to all persons, however, shall in no event exceed the amount of said bond.

**39-0432. Used Car Lots; Location.)** A registered dealer as described in this chapter may establish open used car lots as may be necessary in the conduct of his business in an area not further removed than three miles from the city limits of the town in which he operates a licensed place of business.

**39-0433. Dealer Permitting License To Be Used by Another Dealer; License Revoked; Penalty.)** Any dealer who permits any other dealer to use his dealer's license, or permits the use of such license for the benefit of any other dealer, shall have his dealer's license revoked and shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars.

**39-0434. Dealers to Furnish Information to Registrar.)** All dealers engaged in the sale of motor vehicles in this state shall furnish the registrar with such information as to models, specifications, selling prices, and such other data requested by the registrar as may be necessary in carrying out the provisions of this chapter.

**39-0435. Dealer to File List of Used Cars With Registrar; Fees Paid on Used Cars by Dealer.)** On or before February fifth of each year, a licensed dealer shall file with the registrar a list and a description of all used cars on hand on February first of such year. Such used cars need not be licensed until July first unless they are sold before that date. After July first, each used car on hand must be licensed at the full annual fee but without penalty. Any used car taken in by a dealer after July first of any year, which carries the current year's number plates of another state, if sold within the state, shall be required to pay one-half of the regular fee, and if any such car taken in after October first of any year is sold, one-fourth of the regular fee shall be paid.

**39-0436. Transfer of Registration and Number Plates Upon Transferring or Assigning Title.)** Whenever the owner of a vehicle registered under the provisions of this chapter transfers or assigns his title thereto or interest therein, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as provided in this chapter. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year.

**39-0437. Violations of Registration Provisions.)** It shall be unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any motor vehicle the registration of which has been canceled or revoked, or which is not registered, or which does not have attached thereto and displayed thereon a number plate or plates assigned thereto by the registrar for the current registration year, subject to the exemptions allowed in this chapter;
2. To display or cause or permit to be displayed, or to have in possession, any registration card or registration number plate knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered;
3. To lend to or knowingly to permit the use by one not entitled thereto of any registration number plate issued to the person so lending or permitting the use thereof;
4. To fail or refuse to surrender to the department, upon demand, any registration card or registration number plate which has been suspended, canceled, or revoked as is provided in this chapter; and
5. To use a false or fictitious name or address in any application for the registration of any vehicle, or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise to commit a fraud in any such application.

**39-0438. Taxes or Fees Provided for To Be in Lieu of Other State or Local Personal Property Taxes.)** The taxes or fees provided for in this chapter shall be in lieu of all other personal property taxes upon such motor vehicles, either state or local.

**39-0439. Distribution of Registration Fees Collected.)** Any moneys in the registration fund accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, shall be transferred quarterly and credited by the state treasurer, as follows:

1. First, nine percent of all fees collected pursuant to subsection 2a of section 39-0419 of the North Dakota Revised Code of 1943, as amended, and fourteen and one-half percent of all fees collected pursuant to subsection 2b of section 39-0419 of the North Dakota Revised Code of 1943, as amended, shall be transferred to the state highway department for construction and reconstruction of roads on the secondary state highway system, and the balance of such fees shall be transferred in accordance with subsections 2 and 3 of this section;
2. Fifty percent to the state highway department; and

3. Fifty percent to the counties of this state in proportion to the number of motor vehicle registrations credited to each county. Each county shall be credited with the certificates of title of all motor vehicles registered by residents of such county.

**39-0440. Officers to Enforce the Provisions of Chapter.)**

The highway patrol and all other road or police officers, including appointees of the highway commissioner shall enforce the provisions of this chapter.

**39-0441. Penalty for Violation of Provisions of Chapter.)**

Any person violating any of the provisions of this chapter for which another penalty is not specifically provided is guilty of a misdemeanor and for the first offense shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. For a second and subsequent offense, such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

**39-0442. Construction Contract Truck Registration; Penalty.)** Every person, firm or corporation holding a construction contract with the state of North Dakota or any of its political subdivisions, who hires, uses, or procures the use of trucks which are not registered in this state, shall file a statement with the motor vehicle registrar, identifying each such truck by description and motor number and disclosing the date such truck was first used in this state and the purpose and extent of such use. Any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

**39-0443. Antique Automobiles; License and Fee.)** Any motor vehicle which is at least forty years old may be permanently licensed by the motor vehicle registrar upon the payment of a registration fee of ten dollars. The motor vehicle registrar shall design and issue a distinctive number plate for this purpose.

**39-0444. Credits on Destroyed Vehicle.)** Any owner of a motor vehicle licensed or taxed in this state, if such vehicle is permanently destroyed, may deduct from any license fee or tax thereafter due from such owner during the same year upon another motor vehicle an amount equal to the unused portion of the fee or tax paid upon the vehicle so destroyed, computed pro rata by the month, one-twelfth of the annual fee or tax paid for each month of the year remaining after the month in which such vehicle was so destroyed.

**39-0445. Driveaway Transporter Registration.)** Every person, firm, partnership, or corporation regularly and lawfully engaged in the transportation of vehicles over the highways of this state from a manufacturing or assembly point or from the owner to agents of manufacturers or dealers or other persons by the driveaway or towaway methods, where such vehicles being driven, towed, or transported by the saddle-mount, towbar, or fullmount methods or any lawful combination thereof will be transported over the highways of this state, shall annually apply to the motor vehicle department of this state for a registration certificate and license to so use the highways of this state. The applicant shall also apply to the department for a sufficient number of distinctive in-transit plates or devices showing the certificate number for identification of the vehicles being transported by the certificate-holder, and such in-transit plates or devices shall be used on any vehicle being driven, towed, or transported by and under the control of the certificate-holder.

**39-0446. Driveaway Transporter Registration; Expiration.)** The certificate and in-transit plates or devices shall expire on the thirty-first day of December of each year.

**39-0447. Driveaway Transporter Registration; Display.)** Each vehicle or combination of vehicles transported by the license-holder shall display in a prominent position thereon the distinctive in-transit plates or devices, the driven or towing vehicle displaying such on the front thereof and a towed or drawn vehicle on the rear.

**39-0448. Driveaway Transporter Registration; Application.)** Sections 39-0445 through 39-0453 of this Act, shall not apply to vehicles regularly used in the hauling of vehicles by the truckaway method nor to vehicles so transported, vehicles operated under dealers or manufacturers plates, vehicles registerable under any other provisions of law, nor to any person not issued a license hereunder.

**39-0449. Driveaway Transporter Registration; Fee.)** The fee for a transporter's certificate and license shall be fifty dollars, and the fee for each in-transit plate or device shall be fifteen dollars.

**39-0450. Motor Vehicle Department Powers.)** The department is empowered to require submission of any information or data as may be pertinent, in its discretion, to administer sections 39-0445 through 39-0453 of this Act, and it shall not issue any certificate or in-transit plates or devices unless it has received payment in full thereof.

**39-0451. Penalties.)** If any certificate-holder or transporter refuses to make and file with the department the application

provided for in sections 39-0445 through 39-0453 of this Act, or has caused or permitted or is permitting the unlawful use of his certificate or plates or devices, such person shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than twenty-five dollars and not more than one hundred dollars, and upon the third such offense he may, in addition to the fines, forfeit his current certificate and in-transit plates or devices and shall forthwith return the same to the department, and the use thereafter shall be unlawful and deemed a misdemeanor and upon conviction thereof such person shall be fined a sum of not less than one hundred dollars nor more than five hundred dollars.

**39-0452. Driveaway Transport License Fees; Effect.)** The fees provided for in sections 39-0445 through 39-0453 of this Act, are in lieu of all other fees, and are declared to be consideration for the right to use the highways of the state of North Dakota.

**39-0453. Noncompliance; Effect.)** Persons not complying with sections 39-0445 through 39-0453 of this Act, shall comply with any other applicable motor vehicle law of this state.

**§ 16. Repeal.)** Sections 39-0504, 39-0514, and subsection 4 of section 39-04A04 of the North Dakota Revised Code of 1943, as they may be amended, and section 39-0513 of the 1957 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 17, 1959.

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## CHAPTER 290

S. B. No. 95  
(Gefreh)

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### HIGHWAY PATROL RETIREMENT SYSTEM

#### AN ACT

To amend and reenact sections 39-03A13, 39-03A14, 39-03A17, and 39-03A18 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the highway patrol retirement system, and providing for a retroactive date.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 39-03A13 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-03A13. Optional Retirement.)** Each contributor whose employment with the patrol has been terminated and who has at least fifteen years accumulated deductions may, after reaching the age of sixty years, apply to the board for the optional retirement allowance provided for in section 39-03A14.

**§ 2. Amendment.)** Section 39-03A14 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-03A14. Optional Retirement Allowance.)** Each contributor qualifying under section 39-03A13 shall be entitled to receive from the fund, for the duration of his life, a monthly optional retirement allowance computed by multiplying one-half of the member's average monthly salary for the last ten years times a fraction equal to the total number of years served divided by twenty-five.

**§ 3. Amendment.)** Section 39-03A17 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-03A17. Severance Allowance.)** Each contributor who has not reached the age of sixty-five and whose employment with the patrol has been terminated and who has at least ten years but less than fifteen years accumulated deductions, shall be entitled to receive from the fund, upon making application therefor to the board, a severance allowance which shall consist of the amount of the accumulated deductions of the contributor.

**§ 4. Amendment.)** Section 39-03A18 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-03A18. Compulsory Termination of Employment.)** Except as provided in this section, whenever any contributor shall reach the age of sixty-five years, his employment with the patrol shall be terminated forthwith. If such contributor has at least twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly retirement allowance provided for in section 39-03A12. If such contributor has at least fifteen years but less than twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly optional retirement allowance provided for in section 39-03A14. If such contributor has less than fifteen years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the severance allowance provided for in section 39-03A17, except that a con-

tributor who is a member of the North Dakota highway patrol on the effective date of this Act shall have the following options:

1. A contributor reaching the age of sixty-five with less than twenty years' service may, at his option, continue in service, if physically qualified, for a maximum of three additional years; or
2. A contributor who shall have reached compulsory retirement age with less than twenty years service and who has terminated his employment with the patrol shall be eligible for a monthly retirement equal to that portion of the retirement benefits under section 39-03A14 as his total accumulations may bear to what the accumulations would have been had he completed twenty years service at the time of his retirement.

**§ 5. Retroactive Date.)** This Act shall be retroactive as of January 1, 1959.

Approved March 4, 1959.

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## CHAPTER 291

S. B. No. 44

(Johnson, Luick, Saumur, Krause, Roen)  
(From LRC Study)

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### MILITARY EXEMPT FROM DRIVER'S LICENSE

#### AN ACT

To create and enact subsection 4 of section 39-0602 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the exemption of military personnel from obtaining a North Dakota driver's license.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Creation.)** Subsection 4 of section 39-0602 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

4. A member of the armed forces of the United States stationed in North Dakota may operate a motor vehicle in this state as long as such person is stationed in North Dakota, provided, however, that such serviceman has a valid current operator's license from another state or territory of the United States.

Approved March 14, 1959.

## CHAPTER 292

S. B. No. 217

(Wenstrom)

## LOSS OF DRIVER'S LICENSE, APPEAL

## AN ACT

To amend and reenact section 39-0639 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the right of appeal to court.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 39-0639 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0639. Review by Court.)** Any person denied a license or whose license has been canceled, suspended, or revoked by the commissioner under the provisions of this chapter, except where such cancellation or revocation is mandatory, may within thirty days after the determination by the commissioner, file a petition for a hearing of the matter in the district court in the county in which such person shall reside or in the county in which the administrative hearing was held. It shall be the duty of the court to set the matter for hearing, and the petitioner shall give thirty days written notice thereof to the commissioner. Thereupon the court shall take testimony and examine into the facts of the case and determine anew whether the petitioner is entitled to a license or is subject to suspension, cancellation, or revocation of license under the provisions of this Act. The decision of the district court may be appealed to the supreme court by either the petitioner or the commissioner, in which event the supreme court shall hear and determine the matter de novo upon the record of the proceedings had in the district court.

The foregoing provisions of this section shall be legibly printed or stamped upon the notice given to the applicant or licensee informing him of the action taken by the commissioner.

Approved March 16, 1959.

## CHAPTER 293

S. B. No. 169  
(Holand)

WARNING AND CONVICTION NOTATIONS ON  
DRIVER'S LICENSE

## AN ACT

To amend and reenact section 39-0651 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to driver's license carrying warnings and convictions.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.**) Section 39-0651 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0651. License to Carry Warnings and Convictions.)** Every license, permit or duplicate certificate issued by the commissioner under authorization of chapter 39-06 of the 1957 Supplement to the North Dakota Revised Code of 1943 or acts amendatory thereto shall carry notations or indications as to the number of traffic warnings and convictions of moving traffic offenses such licensee has had during that two-year license period.

Each judge, magistrate, or juvenile commissioner in whose court a conviction of a moving traffic offense is had, whether imposition of sentence is deferred or not, in addition to any other requirements of law, shall note upon the license of the person convicted that such conviction has occurred. Each sheriff or highway patrolman issuing a traffic warning shall note upon the license of the offender, that such warning has been issued and notice of such warning shall be given in writing to the commissioner. The commissioner shall establish a uniform system for noting or indicating warnings and convictions upon the license.

Approved March 9, 1959.

## CHAPTER 294

H. B. No. 647

(Leet, Renfrow, Loewen)

## REPORTING DAMAGED MOTOR VEHICLES

## AN ACT

To amend and reenact section 39-0712 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to provisions governing repair of vehicles involved in reportable accidents and providing a penalty for violation.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 39-0712 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-0712. Garages to Report.)** The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in section 39-0809 of the 1957 Supplement to the North Dakota Revised Code of 1943 or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number, and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff or highway patrolman, bearing information to show that the accident in which the vehicle was involved has been investigated. The police officer investigating any reportable accident shall attach a sticker to the window of any damaged vehicle showing that the accident in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker the garage or repair shop need not make the report in this section required and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein shall be removed.

Approved March 9, 1959.

## CHAPTER 295

S. B. No. 46

(Johnson, Luick, Saumur, Krause, Roen)  
(From LRC Study)

## PARKING LIGHTS ON MOTOR VEHICLES

## AN ACT

To amend and reenact section 39-1101 of the North Dakota Revised Code of 1943 relating to parking lights on motor vehicles.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 39-1101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1101. Front and Rear Lamps To Be Lighted on Vehicles at Certain Times.)** During the period elapsing from one-half hour after sunset of each day to one-half hour before sunrise of the following day, and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, every motor vehicle upon a highway, except as otherwise provided in section 39-1119, shall be equipped with lighted front and rear lamps in the manner provided in this chapter for the different classes of vehicles. No motor vehicle shall be operated upon the highways and streets of this state with only the parking lights turned on.

Approved February 19, 1959.

## CHAPTER 296

H. B. No. 648  
(Leet, Renfrow, Loewen)

## EQUIPMENT ON MOTOR VEHICLES

## AN ACT

To amend and reenact section 39-1132 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the provisions governing equipment of vehicles and providing a penalty for violation.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 39-1132 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1132. Penalty for Violation of Chapter.)** Any driver, owner, or other person having under his control a vehicle which is not constructed as required by this chapter or according to the rules and regulations of the registrar adopted pursuant to the provisions of this chapter and who permits such vehicle to be driven or moved upon any highway, road or street of this state, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding twenty-five dollars or imprisonment of not more than ten days, or by both such fine and imprisonment.

Approved March 9, 1959.

## CHAPTER 297

H. B. No. 615  
(Wheeler, Gress, Idso, Halcrow, Gronhovd)

## WIDTH, HEIGHT AND LENGTH OF MOTOR VEHICLES

## AN ACT

To amend and reenact section 39-1204 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to width, height and length limitations on vehicles and exceptions thereto.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 39-1204 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1204. Width, Height, and Length Limitations on Vehicles; Exceptions.)** Vehicles operated on a highway in this state shall not exceed the following width, height, or length limitations:

1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to construction and building moving contractor's equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, which moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset; nor shall such limitation apply to farmers or ranchers or employees under their supervision when moving hay in the stack for his or their own use or in cooperation with other owners, providing that equipment used for this purpose shall be operated along the extreme right edge of the road or highway, and shall be operated only between the hours of sunrise and sunset and in accordance with reasonable rules and regulations prescribed by the state highway commissioner.
2. A height of thirteen feet, six inches, whether loaded or unloaded, except that such height limitation shall not affect any present structure such as bridges and underpasses that are not thirteen feet six inches in height.
3. A length, when operated singly, including the load thereon, of thirty-five feet, except buses and trucks, which when equipped with three or more axles shall not exceed a length of forty feet. Any bus in excess of thirty-five feet in length must be equipped with drinking water and toilet facilities.
4. A length when operated in combination, including the load thereon, shall not exceed a length of sixty feet.
5. Length limitations shall not apply to building moving equipment, emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility, vehicles and equipment of the armed forces of the United States or the national guard of this state, structural material of telephone, power and telegraph companies and such other vehicles and loads obtaining a permit from the commissioner upon a showing of reasonable necessity.
6. A tractor-truck and semi-trailer may draw a trailer or semi-trailer converted to a trailer by use of a dolly and fifth wheel, and a motor vehicle may draw no more than two motor vehicles attached thereto by the dual saddle mount method, that is by mounting the front

wheels of the drawn vehicle upon the bed of the drawing vehicle. No more than two vehicles shall be used in any other combination.

Approved March 11, 1959.

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## CHAPTER 298

H. B. No. 616

(Streibel, Bye, Lowe, Poling, Doherty)

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### WEIGHT LIMITATIONS

#### AN ACT

To amend and reenact section 39-1205 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to weight limitations for vehicles.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 39-1205 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**39-1205. Weight Limitations for Vehicles.)**

(1) No single axle shall carry a gross weight in excess of eighteen thousand pounds nor a wheel load to exceed nine thousand pounds. No wheel shall carry a gross weight in excess of five hundred and fifty pounds for each inch of tire width. Axles spaced forty inches apart or less shall be considered as one axle and on axles spaced over forty inches and under eight feet apart, the axle load shall not exceed sixteen thousand pounds per axle. The wheel load, in any instance, shall not exceed one-half the allowable axle load. Spacing between axles shall be measured from axle center to axle center.

(2) Subject to the limitations imposed by the above subsection (1) on tires, wheel and axle loads, no vehicle or combination of vehicles shall be operated whose gross weight, including the load, exceeds sixty-four thousand pounds or that determined by adding the distance in feet between the first axle and the last axle of such vehicle or combination of vehicles, to the factor forty (40) and multiplying this sum by seven hundred fifty (750), whichever is lesser. Such gross weight limitation shall not apply to such equipment as the state highway commissioner or his agents may approve for exemption, but gross weights shall not exceed seventy-three thousand two hundred and eighty pounds. The decision on

exemption shall be determined on the basis of improved equipment design, which, in his opinion, will better distribute the load and reduce roadway damage; provided further that where the distance between the first axle and the last axle of any group of axles of such vehicle or combination of vehicles is eighteen (18) feet or less the gross weight on the group of axles under consideration shall be determined by adding the distance in feet between the first axle and the last axle of the group under consideration to the factor of forty (40) and multiplying this sum by six hundred fifty (650).

Approved March 14, 1959.

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## CHAPTER 299

S. B. No. 222

(Gefreh, Roen, Longmire)

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### FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OPERATORS

#### AN ACT

To amend and reenact subsection 9 of section 39-1601; paragraph 2 of section 39-1605; subsections 2, 3 and 4 of section 39-1614; subsection 2 b. of section 39-1620; and section 39-1624 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to financial responsibility of drivers and owners of motor vehicles, and providing for an effective date of January 1, 1960.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Subsection 9 of section 39-1601 is hereby amended and reenacted to read as follows:

**39-1601. Definitions.)**

9. "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident;

**§ 2. Amendment.)** Paragraph 2 of section 39-1605 is hereby amended and reenacted to read as follows:

**39-1605. Suspension of License: When; When Not Applicable.)** No such policy or bond shall be effective under this section unless by an insurance carrier or surety company authorized to do business in the state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance carrier or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the commissioner to accept service, on its behalf, of notice or process in any action upon such policy or bond arising out of such accident; provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ten thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property to a limit of not less than five thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of notice of such accident, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident.

**§ 3. Amendment.)** Subsections 2, 3 and 4 of section 39-1614 are hereby amended and reenacted to read as follows:

**39-1614. Satisfaction of Judgment.)**

2. When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or
3. When, subject to such limit of ten thousand dollars because of bodily injury to or death of one person, the sum of twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or
4. When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident. Payments made in settlement of any claims because of bodily injury, death or property damages arising from a motor vehicle

accident shall be credited in reduction of the amounts provided for in this section.

§ 4. **Amendment.)** Subsection 2. b. of section 39-1620 is hereby amended and reenacted to read as follows:

**39-1620. Motor Vehicle Liability Policy.)**

2. Such owner's policy of liability insurance:
  - b. Shall insure the person named therein and any other person, as insured, using such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: ten thousand dollars because of bodily injury to or death of one person in any one accident and subject to said limit for one person, twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and five thousand dollars because of injury to or destruction of property of others in any one accident.

§ 5. **Amendment.)** Section 39-1624 is hereby amended and reenacted to read as follows:

**39-1624. Deposit of Cash With State Treasurer.)**

1. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him twenty-five thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of twenty-five thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

§ 6.) This enactment shall become effective the 1st day of January, 1960.

Approved March 16, 1959.