

§ 5. AMENDMENT.] Section 14 of Chapter 92 of the Session Laws of North Dakota for 1909, is hereby amended to read as follows:

§ 14. AUTHORITY OF ASSISTANTS.] The assistant dairy commissioners shall perform such duties as may be directed by the dairy commissioner, or the commissioner of agriculture and labor; and when acting as such, the assistant dairy commissioners shall be invested with the same authority as is by this act conferred upon the dairy commissioner.

EMERGENCY.] There is hereby declared to be an emergency in that there is now no law covering the provisions of this bill, therefore, this act shall be in full force and effect on and after its date of passage and approval.

Approved March 3, 1911.

AUTOMOBILES

CHAPTER 5.

[S. B. No. 25—Pierce]

REGULATING USE OF STREETS.

AN ACT To Authorize Boards of Trustees of Incorporated Villages to Regulate the Use of Streets, Alleys, and Public Grounds by Automobiles, Traction Engines, and other Self-propelled Vehicles, and to Provide for Registration and Identification of the same, at the Expense of the Owners or Operators thereof.

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

§ 1. That in addition to the powers already conferred upon them by law, the boards of trustees of villages shall have and are hereby given the power to regulate by ordinance, the traffic over and use of their streets, alleys and public grounds by automobiles, motor cycles, motor trucks, motor cars, and traction engines, and to provide for the registration and identification of such vehicles owned or operated within the corporate limits of such villages, and at the expense of the owners or operators thereof.

§ 2. EMERGENCY.] Whereas there is now no law by which villages may regulate the operation of such vehicles within their borders, and the safety of the public demands that there be one, therefore an emergency exists and this act shall take effect upon its passage and approval.

Approved February 10, 1911.

CHAPTER 6.

[S. B. No. 188—Ellingson]

MOTOR LICENSE AND ROAD REGULATIONS.

AN ACT to License Motor and other Vehicles and Defining the Good Road Regulations of such Vehicles, Providing that the Funds received from such Licenses shall be Expended on the Maintenance of Public Highways and making it a Misdemeanor to Take and Remove Motor and other Vehicles from any Warehouse, Garage or Building without the Knowledge and Consent of the Owner, and Repealing Section 2169 of the Revised Codes of North Dakota for the year 1905.

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

§ 1. The term "Motor Vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks.

The term "Local Authorities" shall include all officials of counties, cities, towns or villages.

The term "State" as used in this act, except where otherwise provided, shall include the territories and federal districts of the United States.

The term "owner" shall also include any person, firm, association or corporation owning or renting a motor vehicle or having the exclusive use thereof, under lease or otherwise, for a period greater than thirty days.

The term "public highway" shall include any highway, town road, count yroad, state road, public street, avenue, alley, park, parkway or public place in any county, city, town or village except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriages.

§ 2. Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state, for each motor vehicle owned, except as herein otherwise provided, shall cause to be filed, by mail or otherwise, in the office of the secretary of state, a verified application for registration on a blank to be furnished by the secretary of state for that purpose, containing:

1. A brief description of the motor vehicle to be registered including the name of the manufacturer, the factory number and model, if such number and model there be.

2. The name, residence and business address of the owner of such vehicle and the name of the county in which he resides.

- § 3. Upon the sale of a motor vehicle registered in accordance with this section, the vendee shall, within ten days after the

date of such sale, notify the secretary of state of the same upon a blank furnished him for that purpose, stating the name and business address of the previous owner, if known, the number under which such vehicle is registered, and the name, residence and business address of such vendee. Upon filing such statement such vendee shall pay to the secretary of state a fee of one dollar and upon receipt of such statement and fee the secretary of state shall file such statement in his office and also in the registration book or index such change of ownership.

§ 4. Upon receipt of an application for registration of a motor vehicle or vehicles as provided in section 2 of this act, the secretary of state shall file such application in his office and register such motor vehicle or vehicles, with the name and residence and business address of the owner, together with the facts stated in such application in a book or index to be kept for that purpose, under the distinctive number assigned to such motor vehicle by the secretary of state, which book or index shall be open to inspection during reasonable business hours.

§ 5. Upon the filing of such application and the payment of the fee provided in section 7, the secretary of state shall assign to such motor vehicle a distinctive number, and without other fee, issue and deliver to the owner a set of two (2) tags at registration, upon each of which shall be displayed the distinctive number assigned in the form and size provided in section ten, which shall be evidence of payment of license fee of such registration.

In the event of the loss, mutilation or destruction of a certificate of registration, the owner of a registered motor vehicle may obtain from the secretary of state an affidavit showing the fact and the payment of a fee of one dollar for each set of duplicates.

§ 6. Such registration shall be renewed annually, and upon the payment of the same fee as provided in this act for original registration, such renewal to take effect on the first day of January of each year.

§ 7. A fee of three (\$3.00) dollars shall be paid to the secretary of state upon the registration or re-registration of a motor vehicle in accordance with the provisions of this act.

§ 8. No person shall operate or drive a motor vehicle on the public highways or within the limits of any city, town or village of this state after thirty days after this act takes effect, unless such vehicle shall have been registered in accordance with this act and shall have the tag of registration assigned to it by the secretary of state conspicuously displayed on the rear of such vehicle, securely fastened. Provided, that this section shall not apply to dealers in demonstrating automobiles offered for sale.

No person shall display on such vehicle at the same time any number assigned to it under any other motor vehicle law or ordinance.

§ 9. Such certificates shall be of a distinctly different color or shade each year, there being at all times a marked contrast between the color of the number plate and that of the numerals or letters thereon.

§ 10. Such certificate of registration shall be substantially of the following size and form, namely: a plate or placard of metal or enamel with metal letters eight and one-half inches in length and five inches in width for one or two numerals; ten inches in length and five inches in width for three numerals; twelve inches in length and five inches in width for four or more numerals; on the left end of this plate with letters running vertically from the top, there shall be the two letters "N. D.," each letter of which shall be approximately one inch in length, and on the right end, arranged in the same manner and same size, there shall be the four numerals of the year in which the license is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall be at least one-half inch in width, provided that motor cycles shall be assigned tags three inches in width and of a height to permit numerals to be placed vertically. Across the top of this tag with letters running horizontally shall be the two letters "N. D.," and across the bottom arranged in the same manner there shall be the four numerals of the year in which the license is issued, except that the last shall be in proportionate size to the small plate. Provided, further, that the owner, in lieu of such registration tag, may use a tail lamp with the registration number, the letters "N. D.," and the numerals of the year displayed in the lens, the registration numerals to be of the size displayed above.

§ 11. The provisions of the foregoing sections in regard to registration shall not apply to a motor vehicle owned by a non-resident of this state, who is temporarily within the state, while passing into or through this state from an adjoining state, provided that such non-resident shall have displayed in a conspicuous way on the motor vehicle he is operating, a number and tag which shall make it and the place from which it comes easily identified.

§ 12. No person shall operate a motor vehicle on the public highways of this state at a rate of speed greater than is reasonable and proper, having regard to the width, condition and use of the highway at the time and the general and usual rules of the road, or so as to endanger property or the life or limbs of any person. Provided, that upon approaching a dam, bridge, sharp curve or descent, and also in traversing such dam, bridge, sharp curve or descent and upon approaching a crossing or intersecting highway or in passing from a side street into a main thoroughfare where persons or vehicles are not plainly discernable, a person operating a motor vehicle shall have such vehicle under

perfect control and the rate of speed shall not exceed one mile in eight minutes; provided, that within the limits of any incorporated city or village the rate of speed shall not exceed ten miles per hour, and provided, further, that on any street or highway outside of the limits of any incorporated city or village the rate of speed shall not exceed thirty miles per hour.

§ 13. No person shall tamper with or drive or operate or use a motor vehicle without the permission of the owner, and no person shall, without authority of the person in charge, climb upon or in any automobile, whether the same is in motion or at rest, or hurl stones or other missiles at the same, or the occupants thereof, or shall, while such motor vehicle is at rest and unattended, sound the horn or other signaling device or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set such vehicle in motion or otherwise damage or interfere with the same.

Any person who enters any warehouse, garage, or building of any kind and takes and removes therefrom for his own use or that of others any automobile or motor vehicle, without the knowledge and consent express or implied, of the owner thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section eighteen of this act.

The fact that such automobile or motor vehicle was voluntarily returned to its original place by the party taking the same before or after the owner discovers such removal, or the fact that the party taking the same was then and there in the employ of the owner of such property shall not be deemed a defense in the prosecution of such offender.

§ 14. At the end of every month the secretary of state shall pay into the county treasury to the account of a special road maintenance fund as hereinafter provided all moneys received by him under this act which has been paid to him by owners of motor vehicles in such county, and shall file with the county auditor a verified statement of the amounts and sources thereof, providing that from the moneys received from such license he shall retain a sufficient amount for the purchase of tags and books of registration.

§ 15. All claims for money expended on the highways under the provisions of this act shall be paid by the county treasurer upon the presentation of properly prepared vouchers approved by the county superintendent of highways and the board of county commissioners.

§ 16. The moneys received by each county from this source shall be expended for repairs and maintenance on the main-traveled roads of the county under the direction of the county superintendent of highways, and where no county superintendent of highways has been appointed then under the direction of the

board of county commissioners, provided that all money so expended for repairs and maintenance shall be expended from April first to December first annually. Provided, further, that none of this money shall be expended within the limits of any incorporated city or village, nor shall it be expended on any road within any township that does not levy at least a tax of six mills for road purposes.

§ 17. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to persons or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employe or agent, and in all actions and proceedings against the registered owner of a motor vehicle for negligence in the operation of such vehicle or for any violation of this act, the fact that such motor vehicle had upon it the registration number assigned to such owner under this act, shall be prima facie evidence that such motor vehicle belonged to such registered owner.

In case of accident to any person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such motor vehicle shall stop and, upon the request of any person injured, or any person present, give such person his name and address.

§ 18. Any person who shall violate any provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars and not more than fifty dollars, and if default is made in the payment of such fine such person or persons shall be committed to the county jail until such fine is paid; conditioned, however, that each day's service in jail shall be equal to two dollars of such fine.

§ 19. It is the duty of the county superintendent of highways and deputy county superintendent of highways when such are appointed, and otherwise the board of county commissioners, and all police officers of incorporated cities and villages to enforce the provisions of this act.

§ 20. Section 2169 of the Revised Codes of 1905 and all acts in conflict with this act are hereby repealed.

Approved March 17, 1911.