

Section 6829 of the compiled laws of North Dakota for the year 1913, it shall be the duty of such clerk to enter such satisfaction directly opposite the abstract of such lien in the book, provided for by Section 6821 of the Compiled Laws of North Dakota for the year 1913, and any failure of any clerk so to do, or for any error, omission or neglect of such clerk in so entering such satisfaction, such clerk shall be liable for any damages sustained by reason of any failure, error, omission or neglect, to be recovered in a civil action.

Approved March 8, 1917.

MOTOR VEHICLE

CHAPTER 155.

[H. B. No. 384—Kelly.]

GLARING HEADLIGHTS ON MOTOR VEHICLES.

An Act Relating to Glaring Head Lights on Motor Vehicles and Prescribing Penalty for Violation.

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

§ 1. GLARING HEADLIGHTS.] It shall be unlawful to use a vehicle of any kind operated on the public highways of this state any lighting device of over four candle power equipped with a reflector, unless the same be so designed, deflected, or arranged that no portion of the beam of reflected light, when measured 75 feet or more ahead of the lamps, shall rise above 42 inches from the level surface on which the vehicle stands under all conditions of load. Spotlights shall not be used except when projecting their rays directly on the ground and at a distance not exceeding 30 feet in front of the vehicle.

§ 2. Any person violating the provisions of this act shall upon conviction thereof be fined not less than ten nor more than twenty-five dollars.

Approved March 16, 1917.

CHAPTER 156.

[H. B. No. 167—Introduced by the Committee on Highways.]

MOTOR VEHICLE LICENSE FEE.

An Act Providing for Dealers' Motor Vehicle License Fees, and Amending Sections 2976e, 2976g, 2976h, 2976o and 2976p of the Compiled Laws of 1913, relating to Motor Vehicle License Fees, Registration Tags, Display of Registration Tags, Disposition of License Money by Secretary of State. Claims for Moneys Expended. Expenditure of Moneys received under this Act, and providing that License Fees, excepting Dealers' License Fees shall be in lieu of all other Taxes. Emergency.

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

§ 1. DEALERS' NUMBERS, DUPLICATES, FEES.] Every person, firm, association or corporation manufacturing or dealing in motor vehicles, may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application upon a blank to be furnished by the Secretary of State, for a general distinctive number for all the motor vehicles of one make owned or controlled by such manufacturer or dealer, such application to contain:

(a) A brief description of each make of motor vehicle manufactured or dealt in by such manufacturer or dealer, including the character of the motive power, the amount of such motive power stated in figures of horse power in accordance with the rating established by the Association of Licensed Automobile Manufacturers; and

(b) The name and address of such manufacturer or dealer. On the payment of a registration fee of fifteen (\$15.00) dollars, a certificate of registration in such form as the secretary of state shall prescribe, and two number plates with a number corresponding to the number of such certificate of registration shall be issued to the applicant by the secretary of state. Provided, that such certificate of registration shall state the make of car for which it is issued and the date when the application was received by the secretary of state, and shall be displayed in the manufacturer's or dealer's place of business. The Secretary of State shall issue to such dealer or demonstrator a duplicate set of "Dealer's License Tags" and upon application such additional sets may be issued upon the payment to the Secretary of State of the sum of fifty cents, such tags to be displayed on the front and rear of such motor vehicle, and under no circumstances shall a motor vehicle be operated without displaying proper registration tags.

§ 2. Section 2976e of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976e. TAGS DELIVERED ON PAYMENT OF LICENSE FEE.] Upon the filing of such application and the payment of the fee provided in section 2976g, 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 of registration, upon each of which shall be displayed the distinctive number assigned in the form and size provided in section 2976j, which shall be evidence of payment of license fee of such registration. One of such tags shall be displayed upon the front and one upon the rear of such motor vehicle.

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

§ 3.] Section 2976g of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976g. LICENSE FEE.] The license fee for the registration or re-registration of motor vehicles shall not be less than six (\$6.00) dollars, and for motor vehicles having a higher rating than twenty (20) horse power, an additional fee of fifty (50) cents for each additional horse power shall be added, provided, that if a motor vehicle shall have been licensed for three separate years hereunder, and for which there shall have been paid the annual registration fee herein provided during said period, or not less than three years including the time before and after the taking effect of this Act, the annual registration fee thereafter shall be one-half that amount; and provided further, that the annual fee for the registration or re-registration of a motor bicycle or motor cycle in accordance with the provisions of this Act shall be three (\$3.00) dollars.

The registration fees imposed by this Act upon motor vehicles, shall be in lieu of all taxes, general or local, to which motor vehicles may be subject, except, that dealers' license fees shall not be in lieu of other taxes.

§ 4.] That section 2976h of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976h. REGISTRATION TAG TO BE DISPLAYED ON VEHICLES IN USE.] 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, unless such vehicle shall have been registered in accordance with this article, and shall have the tags of registration assigned to it by the Secretary of State, conspicuously displayed, one on the front and one on the rear of such motor vehicle, securely fastened.

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

The Secretary of State is hereby authorized to employ such agent or agents as may be necessary to enforce the provisions of this act.

§ 5. Section 2976n of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

DISPOSITION OF LICENSE MONEY. "The Secretary of State

shall pay into the state treasury all moneys received by him under this act, which have been paid by owners of motor vehicles in any county, and shall file with the state treasurer and the state auditor verified statements of the amounts and sources thereof and the amount to which each county is entitled under the provisions of this act. On the 15th day of every calendar month the State Treasurer shall pay into the county treasury of each county, to the account of a special road maintenance fund as hereinafter provided, one-third of the moneys received by him from the Secretary of State under the provisions of this act, and shall credit the remaining two-thirds to the account of the state highway fund. Provided, however, that the State Treasurer shall first deduct from all the moneys received by him from the Secretary of State the cost of tags, clerk hire, printing, postage, express and other expenses, as estimated by the said Secretary of State."

§ 6.] The state highway fund provided for by this act shall be expended under the direction of the state highway commission.

§ 7.] That section 2976o of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976o. CLAIMS FOR MONEYS EXPENDED ON HIGHWAYS.] All claims for money expended on county highways under the provisions of this article shall be paid by the county treasurer upon presentation of properly prepared vouchers approved by the county superintendent of highways, if there be one, and the board of county commissioners.

All claims for moneys expended by the state highway commission under the provisions of this article shall be paid by the state treasurer upon the presentation of properly prepared vouchers approved by the secretary of the state highway commission.

§ 8.] That Section 2976p of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976p. LICENSE MONEY TO BE EXPENDED FOR REPAIRS AND MAINTENANCE OF HIGHWAYS.] The money received by each county from this source shall be expended only for the repair and dragging of highways within the county, under the direction of the board of county commissioners; provided, that upon the application of any township which levies 50 cents on each \$100.00 valuation based on last prior valuation or more for road purposes, the county commissioners shall credit such township with a sum of money not to exceed five (\$5.00) dollars per mile, to be used in dragging the roads of said township, provided there are sufficient funds available for this purpose; otherwise the money shall be pro-rated between the townships making application therefor. No township shall receive more than fifty (\$50.00) dollars under the provisions of this section, in any one year. Provided, further, that none of this money shall be expended within the limits of any incorporated city or village.

§ 9. Section 3 of this act shall take effect and be in force from and after January 1, 1918.

REPEAL.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

EMERGENCY.] Whereas it is highly necessary and expedient that this law shall go into immediate operation, owing to the fact that nearly all owners of motor vehicles apply for registration prior to July first, and owing to the further circumstances that if this Act does not go into effect before July first there will not be sufficient money available in the state treasury to enable the state to comply with the requirements of the Federal law providing for Federal aid for the construction and maintenance of roads, therefore, an emergency exists and this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall go into effect and be in force from and after its passage and approval.

Approved March 12, 1917.

CHAPTER 157.

[S. B. No. 44—Ployhar.]

PENALTY FOR LARCENY OF AUTOMOBILES AND MOTORCYCLES.

An Act Providing a Penalty for Larceny of Automobiles and Motorcycles.

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

§ 1. Any person convicted of larceny of an automobile or motorcycle shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than one year nor more than seven years. The fact that such automobile or motorcycle was taken or removed without the owners' consent, express or implied, or without the consent of the person lawfully in the possession of such automobile or motorcycle shall be presumptive evidence of intent to deprive the owner thereof.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved January 25, 1917.