

this state or being transported into this state, shall be clearly and distinctly stamped, labeled or tagged with the word "Kerosene": Every oil station pipe line for kerosene shall be painted aluminum and shall be entirely separate from lines for gasoline or other low flash products.

Approved March 12, 1935.

HIGHWAYS

CHAPTER 148

S. B. No. 260—(Bonzer, Watt and Eastgate)

STATE HIGHWAY PATROL

An Act creating a State Highway Patrol for the State of North Dakota; authorizing the Highway Department to appoint a State Highway Patrol Superintendent, an Assistant State Highway Patrol Superintendent, and Highway Police; designating powers and qualifications of such police; fixing compensation and providing for disposition of fines collected.

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

§ 1. ESTABLISHMENT OF POLICE PATROL.] There is hereby created a State Highway Patrol, and the Highway Commissioner with the consent of the Governor, is authorized and empowered to appoint a State Highway Patrol Superintendent and an Assistant Highway Patrol Superintendent, who shall also be a motor patrolman; said superintendent and assistant superintendent shall hold office during the pleasure of the Highway Commissioner, and it shall be their duty to enforce the provisions of the laws of the State of North Dakota relating to the protection and use of the public highways in this state, and the operation of motor and other vehicles upon said highways.

§ 2. APPOINTMENT OF POLICE.] The State Highway Patrol Superintendent is hereby authorized and empowered to appoint not more than ten persons, who shall constitute such State Highway Patrol, and who shall be known as "Highway Police" who shall hold office during the pleasure of the superintendent and whose duty it shall be to enforce the provisions of the laws of the State of North Dakota relating to the protection and use of the public highways in the state, and the operation of motor and other vehicles upon said highways; said persons so appointed shall be invested with all the powers and perform all the duties now held and performed by peace officers in the State of North Dakota; the jurisdiction of said officers shall extend throughout the state.

§ 3. OATH AND BOND.] Every person appointed as State Highway Patrol Superintendent, or Assistant State Highway Patrol Superintendent, or as a Highway Police, shall, before entering upon his duties, subscribe to an oath, and sign and file a bond with the Highway Department, the bond to run to the State of North Dakota; said oath and bond to be in such form and in such amounts as shall be prescribed by the Highway Department.

§ 4. PAYMENT OF EXPENSES.] All salaries, wages and other expenses of this department shall be paid by the State Auditor and State Treasurer out of the "Police Patrol Fund" hereinafter provided, upon vouchers as now required by law for the payment of all state expenses, duly approved by the Highway Commissioner and the Superintendent, and audited and allowed by the State Auditing Board.

§ 5. SALARIES.] The salary of the State Highway Patrol Superintendent appointed under the provisions of this act shall not exceed \$2,200 per annum, and the salary of the Assistant State Highway Patrol Superintendent appointed under the provisions of this act, shall not exceed \$1,800 per annum; the salary of each Highway Police Superintendent appointed under the provisions of this act shall be fixed by the State Highway Patrol Superintendent at not to exceed \$135 per month to each of said highway police, and shall be paid monthly out of any funds in the State Highway Patrol Fund, provided total expenditures of the department shall not exceed \$45,000 per annum.

§ 6. SPECIAL DUTIES.] The State Highway Police appointed under the provisions of this act, are particularly required to check and discover all violations of state highway laws and regulations and to make a special effort to see that all laws and regulations relating to highways in this state are complied with.

§ 7. MEMBERS OF POLICE PATROL.] All members of the Police Patrol shall be not less than twenty-five nor more than forty-five years old on the date of their appointment. They shall, before being qualified to appointment, be required to pass such physical examination and such other qualification test as may be determined by the superintendent, be of good moral character and of temperate habits, have been citizens of the United States and of the State of North Dakota for not less than two years prior to their appointment. For appointment, preference shall be given at all times to honorably discharged soldiers of the World War, and all appointments shall be made without regard to any political party affiliation of the applicant. All appointments shall be made by the Highway Commissioner from the list of qualified applicants certified to him by the Superintendent.

§ 8. POLICE PATROL FUND. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not other-

wise appropriated, the sum of five thousand and no/100 dollars (\$5,000.00), to be deposited in the fund to be hereafter designated as the "Police Patrol Fund," and said appropriation shall be, if possible, reimbursed and refunded to the General Fund of this state in the manner hereinafter provided. All moneys collected from the collections of drivers' license fees as now provided by law shall be deposited in the "Police Patrol Fund," and the moneys accumulated in that fund shall be expended to meet the salaries and expenses of this department and shall be paid out as hereinbefore directed. The moneys so deposited in that fund from the proceeds of collections of drivers' license fees and all moneys that may rightfully become a part of that fund under the provisions of this act are hereby appropriated for the purpose and for the payment of the expenses of this department. When sufficient moneys have accumulated in that fund that the Highway Department is of the opinion that the five thousand dollar appropriation hereby made out of the general revenue of this state may be reimbursed and refunded to the state, leaving enough therein to carry out the purpose of this act, the Highway Department may withdraw therefrom the said sum of five thousand dollars so hereby appropriated, or so much thereof as may have been used, and revert the same to the General Fund of the state as a reimbursement of said special appropriation. The balance in the "Police Patrol Fund" herein mentioned which may remain unexpended at the end of any biennium period shall not be at that time converted into the General Fund of the state but shall remain in said "Police Patrol Fund" to be later expended as a part thereof until otherwise directed by the Legislature.

§ 9. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1935.

CHAPTER 149

S. B. No. 315—(McGillic)

OVERHEAD AND UNDERGROUND RAILROAD CROSSINGS

An Act to amend and re-enact Section 4688a11 of the Supplement to the Compiled Laws of North Dakota, of 1913, relating to abolition of railroad crossings, the construction and maintenance of overhead and underground crossings and separate grades and providing for the apportionment of the costs thereof.

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

§ 1. AMENDMENT.] That Section 4688a11 of the Supplement to the Compiled Laws of 1913, be and the same is hereby amended to read as follows:

§ 4688a11. The Board of Railroad Commissioners may require

any railroad to construct and maintain overhead or underground crossings and separate grades when in its opinion the interest and safety of the public require, and may apportion the costs therefor in such manner as the Commission deem proper, and no overhead or underground crossing, nor separation of grades shall be made except upon petition therefor to the Board of Railroad Commissioners and with such board's approval.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

INSURANCE

CHAPTER 150

H. B. No. 217—(Fedje)

APPOINTMENT, LICENSE, ETC., INSURANCE AGENTS, RECIPROCAL EXCHANGES

An Act to amend and re-enact Section 6548a11 of the Supplement to the Compiled Laws of the State of North Dakota, 1913, relating to exchange of reciprocal or inter-insurance contracts; providing for appointment of resident agents; license fees and tax; publication of abstract of annual statement.

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

§ AMENDMENT.] That Section 6548a11 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota be and is hereby amended and re-enacted to read as follows:

§6548a11. APPOINTMENTS OF AGENTS: LICENSE FEES: TAX: PUBLICATION OF ANNUAL STATEMENT.] Such attorney shall designate and appoint only resident agents who shall before writing or soliciting any of the insurance provided for under this chapter secure a certificate of authority from the Commissioner of Insurance. The fee for such agent's license shall be two dollars (\$2.00). Such attorney shall further in lieu of all other taxes and fees, state, county or municipal of whatever character in this state, except as herein provided, pay annually to the state on account of the transaction of such business in this state, a license fee of \$15.00 and a tax of 2½% of the gross premiums or deposits collected from subscribers in this state after deducting therefrom all sums returned to such subscribers or credited to their accounts, other than for losses. Such attorney shall in addition be required to publish the abstract of Annual Statement as provided for in Section 4915 of the 1913 Compiled Laws.

Approved March 12, 1935.