

and they are hereby directed, authorized and empowered to release, satisfy and discharge that certain real estate mortgage executed by Wahpeton Military Training School, a domestic corporation, as mortgagor to the State of North Dakota as mortgagee, dated October 4th, 1910, and filed for record in the office of the register of deeds of Richland county, North Dakota, on October 12th, 1910, at 11:30 o'clock a. m. and recorded in Book sixty-nine (69) of Mortgages, at page one hundred seventy-six (176) and covering Lots Sixteen (16) and Seventeen (17) in Block Thirty-seven (37), Original Townsite of Wahpeton, North Dakota, insofar as said mortgage is a lien upon and affects said Lot Sixteen (16), but not otherwise.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this bill shall be in full force and effect from and after its passage and approval.

Approved February 6, 1935.

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## MOTOR VEHICLES

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### CHAPTER 172

S. B. No. 164—(Thorson and Marshall)

#### MOTOR VEHICLE FUEL—DEALER'S LICENSE—TAX REFUND

An Act to amend and re-enact Section 4 (a) of Chapter 166 of the Session Laws of North Dakota for the year 1929, and to amend and re-enact Section 6 of Chapter 189 of the Session Laws of North Dakota for the year 1931, being an act to impose a tax upon the sale of motor vehicle fuels; providing for the collection of said tax, for reports of sales of such motor fuels, and for the disposition of the revenue derived therefrom; providing for the licensing and bonding of dealers in motor vehicle fuels and the revocation of such license; regulating the sale of such fuels and fixing penalties for the violation of this act. Repealing all acts or parts of acts in conflict with the provisions of this act.

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

§ 1. AMENDMENT.] That Section 4 (a) of Chapter 166 of the Session Laws of North Dakota for the year 1929 be and the same is hereby amended and re-enacted to read as follows:

Section 4 (a). It shall be unlawful for any dealer, as herein defined, to engage in business in this state as a dealer, unless such dealer is the holder of an unrevoked license issued by the State Auditor to engage in such business. To procure such license such dealer shall file with the State Auditor a sworn application upon a form prescribed and to be furnished by the State Auditor. Such application shall contain the name under which the applicant intends

to transact business; the names and addresses of the several persons constituting the firm or partnership; and if a corporation, the corporate name, the state where and time when incorporated, the name of its officers and directors; and if a foreign corporation, the name of its resident agent, the location of its place or places of business, the date such business was established; and any other information the State Auditor may require. Such application shall be signed and sworn to by the owner or owners of such business, if an individual, partnership or unincorporated association, and if a corporation, by the president and secretary thereof. At the time of applying for such license every applicant shall pay to the State Auditor as a license fee, the sum of two dollars; which fee shall be transferred to the State Treasury and there be credited to the general fund. The State Auditor may require any dealer as a condition precedent to the issuance of such license to furnish a bond guaranteeing the payment of the gasoline tax collected by such dealer, in an amount not less than \$1,000, if in the opinion of the State Auditor such bond is necessary to guarantee the payment of the tax collected by the dealer. Such bond shall be subject to the approval of the State Auditor as to sufficiency and form.

§ 2. AMENDMENT.] That Section 6 of Chapter 189 of the Session Laws of North Dakota for the year 1931 be and the same is hereby amended and re-enacted to read as follows:

Section 6. That any person or persons, firm or corporation who shall buy or use any motor vehicle fuel as defined in this act, for the purpose of operating and propelling stationary gas engines, tractors used for agricultural purposes, motor boats, airplanes or aircraft, or who shall purchase or use any of such fuel for lighting, heating, cleaning or dyeing or other commercial use of the same, except motor vehicles operated or intended to be operated, in whole or in part, upon any of the public highways in the State of North Dakota, on which motor fuel tax imposed by this act has been paid; shall be reimbursed and repaid the amount of such tax paid by him, on presentation to the State Tax Commissioner, on a form prescribed by the State Tax Commissioner, of a sworn statement setting forth the total amount of such fuel purchased and used by such consumer, other than in motor vehicles operated or intended to be operated upon any of the public highways in the State of North Dakota, and the purpose for which said motor fuel upon which he claims exemption from said tax was used, and such other information as the State Tax Commissioner shall require, and the State Tax Commissioner, upon the presentation of such sworn statement, together with the invoice or ticket hereinbefore provided for and marked paid, shall audit such claims for refunds and prepare, in duplicate, an abstract showing the claim number, the name, address and amount due each claimant, and shall certify to the State Auditor within fifteen days all claims entitled to approval; and the auditor shall pay the same immediately. Upon such certification the State Auditor shall issue his

check, payable to each consumer as shown by such certified abstract, from the taxes collected on motor fuels, the said taxes on fuels purchased or used for other than motor vehicles as aforesaid, and shall deliver, for mailing, said checks to the State Tax Commissioner; provided that no refund or repayment shall be made unless such claimant thereof shall make application therefor within twelve months from and after the purchase of such motor vehicle fuel; provided, further, that no refund of the tax shall be made when such motor fuel has been used for construction, reconstruction, or the maintenance of state or county highways. Applications for refunds or repayments shall not be made oftener than at the beginning of the quarter of each calendar year. The State Auditor shall furnish the Tax Commissioner with the information relating to the collection of the motor vehicle fuel tax and the Tax Commissioner shall withhold approval of any refund or repayment until the tax upon such motor vehicle fuel, on which refund or repayment is claimed, shall have been paid.

The Tax Commissioner shall have the power to formulate rules and regulations for the administration of this provision and shall require the assistance of the tax supervisors in the enforcement thereof.

Approved March 12, 1935.

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## CHAPTER 173

### S. B. No. 154—(Committee on Highways)

#### NON-RESIDENT MOTOR VEHICLES LICENSE

An Act to amend and re-enact Subsection (b) of Section 19 of Chapter 179 of the Session Laws of 1927 relating to taxation and licensing of motor vehicles, and declaring an emergency.

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

§ 1. AMENDMENT.] That Subsection (b) of Section 19 of Chapter 179 of the Session Laws of 1927 be, and the same is hereby amended and re-enacted to read as follows:

Subsection (b) Except a non-resident owner of a foreign vehicle operated within this state for the transportation of persons for compensation shall register such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

A non-resident owner of a foreign vehicle operated within this state for the transportation of property or merchandise for compensation shall register such vehicle and pay the \$5.00 interstate identification license plate and the truck mile tax as provided in Chapter 162 of the Session Laws of North Dakota for 1933. Providing, that upon said vehicle the regular and prescribed license fees for a ve-

hicle engaged in commercial hauling, has been duly paid in the place of residence of the owner of such vehicle and that plates for same are displayed on said vehicle, if under the law of the state of the residence of such owner like exemptions and privileges are granted to vehicles duly registered under the laws and owned by residents of this state.

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

Approved March 1, 1935.

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## CHAPTER 174

S. B. No. 85—(Miklethun)

### SERVICE UPON NON-RESIDENT MOTOR VEHICLE OPERATOR

An Act providing for means and method of obtaining service upon a non-resident using the highways of the State of North Dakota, and providing the time within which such defendant may answer.  
*Dakota:*

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

§ 1. SERVICE UPON NON-RESIDENT.] The use and operation by a non-resident or his agent of a motor vehicle upon and over the highways of the State of North Dakota, shall be deemed an appointment by such non-resident of the Commissioner of Insurance of the State of North Dakota, to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him growing out of such use or operation of a motor vehicle over the highways of this state, resulting in damages or loss to person or property, and said use or operation shall be a signification of his agreement that any such process in any action against him which is so served, shall be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the Commissioner of Insurance or by filing such copy in his office, together with payment of a fee of \$2.00 and such service shall be sufficient service upon the said non-resident; provided, that notice of such service and a copy of the process are within ten days thereafter sent by registered mail by the plaintiff to the defendant at his last known address and return card requested and that the plaintiff's affidavit of compliance with the provisions of this act are attached to the summons.

§ 2. TIME TO ANSWER.] The Court in which the action is pending shall order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action. The fee of two dollars paid by the plaintiff to the Commissioner of

Insurance at the time of service of such proceedings shall be taxed in his cost if he prevails in the suit. The said Commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

Approved March 5, 1935.

## CHAPTER 175

S. B. No. 264—(Bonzer, Watt and Eastgate)

### UNIFORM MOTOR VEHICLE OPERATOR'S AND CHAUFFEUR'S LICENSE

An Act relating to licensing of Motor Vehicle Operators and Chauffeurs and to the liability of certain persons for negligence in the operation thereof on public highways; fixing fee to be paid; providing for examination of applicant; providing for suspension or revocation of license; making disposition of fees collected; providing for penalty for violating act; repealing all acts in conflict herewith, and declaring an emergency; appropriation.

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

§ 1. DEFINITIONS.] The following words: "Motor Vehicle," "Farm Tractor," "Owner," "Operator," "Non-resident," "Public Highway," as used in this act shall be interpreted to have the meanings usually ascribed to them, except in those instances where the context clearly indicates a different meaning.

§ 2. DRIVER'S LICENSES.] Except as provided by Section 3 of this act, no person 16 years of age or over shall on and after this measure shall be in force and effect, operate any motor vehicle upon the public highways of this state unless such person shall have made application for and secured a driver's license from the State Highway Commissioner for which he shall pay to the Commissioner the sum of 25 cents, payable at the time of making such application. Provided, however, that when the license fee of 25 cents is paid by the head of a family, or household, licenses may be issued, upon application therefor, to each of the members of the immediate family of the head of said family, or household, on the payment of an additional fee of 10 cents for each such license. For the purpose of this act, the term "immediate family" is hereby defined to mean all persons bound together by the ties of relationship and parents and children living together as members of one household under one head. Such application shall be made upon a form approved by the Commissioner.

Provided, that no driver's license shall be issued to a resident of North Dakota who has purchased a Motor Vehicle after the taking effect of Senate Bill No. 313 of the 24th Legislative Assembly of the State of North Dakota (the sales tax act), unless such applicant shall produce satisfactory proof to the Commissioner that the North

Dakota sales tax has been paid upon the purchase of such motor vehicle owned and operated by such North Dakota resident. In the event such tax has not been paid by such applicant, the license may be issued by the Commissioner only upon such applicant paying in addition to the license fee hereinbefore required the sales tax in such amount as is provided in the sales tax law of the State of North Dakota. The Commissioner shall remit such sales tax payment to the proper officer of the state who is charged with the duty of collecting the sales tax and such officer shall credit such sum in the same manner as are other collections of sales tax under the laws of the State of North Dakota.

Every applicant shall state his name, age, sex, and resident address, and what experience he has had in operating a motor vehicle; that he is competent to operate a motor vehicle upon the public highways of the state; that he knows of no physical impairment or defect or any other act which would render him an improper and unsafe person to operate a motor vehicle. Every applicant shall also state whether or not he has been heretofore licensed, and if so, by what state, and whether or not the license has ever been suspended or revoked, and if so, the date and reason for such suspension or revocation, together with such other facts pertaining to the qualifications of the applicant and his ability to operate a motor vehicle with safety, as may be required by the Commissioner. Thereupon license shall issue as of course.

To every person granted a license the Commissioner shall issue a certificate of license which shall bear thereon the distinguishing number assigned to the license and shall contain the name, age, sex and residence address, and a space where such person shall write his usual signature with pen and ink.

§ 3. EXEMPTIONS.] Every person driving or operating a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn or moved upon the highways, and every person in the service of the Army, Navy, or Marine Corps of the United States when furnished a driver's permit and operating an official motor vehicle in such service, shall be exempted from license under this act.

§ 4. STATE HIGHWAY COMMISSIONER TO ADMINISTER ACT.] The State Highway Commissioner shall be charged with the responsibility for the administration and execution of this act.

§ 5. CLERK OF COURT MAY RECEIVE APPLICATIONS.] Any applicant for a license may file his application with the Clerk of the District Court or the sheriff of the county in which he resides and such clerk or sheriff is hereby authorized to receive and accept the same upon the payment by the applicant to such clerk or sheriff of an additional fee of ten cents for such service. The clerk or sheriff shall then immediately forward such application to the Commissioner, together with the fee of 25 cents.

§ 6. PERSONS UNDER SIXTEEN YEARS OF AGE NOT TO BE LICENSED.] No operator's license shall be granted to any person under the age of sixteen years except that upon a written request of a parent or guardian a minor's license may be issued to any person between the ages of 14 and 16 years. But only upon the recommendation of the official to whom the application for license shall be made.

§ 7. NON-RESIDENTS NEED NOT HAVE LICENSES.] During the period within which a motor vehicle of a non-resident may be operated in this state in accordance with law, such motor vehicle may be operated by its owner or a member of his family without a license, provided such owner and members of his family have fully complied with the laws of the state of their residence regarding the operation of motor vehicles. Such motor vehicles shall at all times display the license number plates issued therefor at the home state or county of the owner.

§ 8. MUST CARRY CERTIFICATE.] The licensee shall have his certificate of license in his possession while operating a motor vehicle upon the public highways of this state. Said certificate of license shall be subject to examination upon demand by any peace officer or by any officer authorized by law to enforce the laws relating to the operation of motor vehicles on the highways, and the licensee shall, upon request of any such officer, write his name in the presence of such officer in order that the identity of the licensee may be determined. It shall be a complete defense to any charge under this section that the person so charged produce in court an operator's certificate of license theretofore issued to such person and valid, or produce evidence that he had made application therefor; that he had not received his certificate; but same had not been denied, at the time of his arrest. If a certificate of license issued under the provisions of this act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute therefor upon furnishing satisfactory proof that such license has been lost or destroyed, and upon the payment of a fee of 25 cents.

§ 9. COURTS TO CERTIFY CONVICTIONS TO COMMISSIONER.] Every court having jurisdiction of offenses committed under this act or any law of this state regulating the operation of motor vehicles on public highways shall certify to the Commissioner a record of the conviction of any person in said court for a violation of any of said laws, and may recommend the suspension of the license of any person so convicted. The Commissioner acting upon such recommendation may suspend such license, but such suspension shall not be for a period of more than one year. Upon suspending the license the Commissioner shall require that the certificate of license be surrendered to him. At the end of the period of suspension the certificate of license shall be returned to the licensee.

§ 10. COMMISSIONER TO REVOKE LICENSE.] (a) The Com-

missioner shall forthwith revoke the license of any person and require that the certificate of license be returned to him, upon receiving a record of the conviction of such person of any of the following offenses:

(1) Manslaughter resulting from the operation of a motor vehicle.

(2) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug.

(3) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony, in the commission of which a motor vehicle is used.

(4) Conviction of forfeiture of bail upon two charges of reckless driving all within the preceding twelve months.

(5) A conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

(6) The Commissioner upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of such person is suspended, shall immediately extend the period of such first suspension for an additional like period.

§ 11. COMMISSIONER MAY SUSPEND LICENSE.] (a) The Commissioner may immediately suspend the license of any person for a period of ninety days without hearing and without receiving a record of conviction of such person of crime, whenever he has reasons to believe:

(1) That such person has committed any offense for which mandatory revocation of license is provided in Section 10.

(2) That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

(3) That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways. Provided, that deafness in itself shall not be deemed to be physical infirmity or disability in a driver.

(4) That such person is an habitual reckless or negligent driver of a motor vehicle or has committed a violation of the laws of this state relating to the operation of motor vehicles.

§ 12. MUST NOTIFY LICENSEE.] (a) Whenever the Commissioner suspends the license pursuant to the provisions of Section 11 hereof, he shall immediately notify the licensee and afford him an opportunity of a hearing in the county wherein the licensee resides, or in the case of a non-resident, in the county in which such non-resident may be temporarily residing, and upon such hearing the Commissioner shall either rescind his temporary order of suspension



or, good cause appearing therefor, may continue such suspension in effect for a period not exceeding 90 days.

(b) The Commissioner is hereby authorized to suspend or revoke the license of any resident of this state upon receiving a record of the conviction of such person in another state of an offense therein committed which, if committed in this state, would be grounds for the suspension or revocation of the license of the operator. The Commissioner is further authorized upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(c) The Commissioner shall not suspend a license for a period of more than one year and upon suspending or revoking any license shall require that such license, so suspended or revoked, shall be surrendered except that at the end of the period of suspension, such license shall be returned to the licensee.

§ 13. SUSPENDED LICENSEE MAY APPEAL TO COURT.] Any person whose license has been suspended by the Commissioner, may file a petition within thirty days thereafter for a hearing in the matter in the District Court in the county wherein such person shall reside, and in the case of a non-resident, in the District Court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty to set the matter for hearing upon ten days' written notice to the Commissioner and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to suspension of license under the provisions of this act and shall render judgment accordingly.

§ 14. MAY APPLY FOR NEW LICENSE AFTER ONE YEAR.] Any person whose license has been revoked under the provisions of Section 10 hereof may, after one year from the date of such revocation, petition the District Court of the County wherein he resides, or, in case of a non-resident, the District Court of any county, for an order directing the Commissioner to issue a certificate of license to him. The district court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 10 days' written notice to the Commissioner. At the hearing the court shall take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license and shall make its order, granting or denying the petition. If the petition is granted, the Commissioner, upon receipt of a certified copy of the order of the court, shall issue such license. If the petition is denied, no renewal thereof shall be made during the period of one year from the date of the order of the court.

§ 15. MISDEMEANOR TO OPERATE MOTOR VEHICLE AFTER SUS-

PENSION OF LICENSE.] Any person whose operator's license has been suspended or revoked as provided by this act, and who shall drive any motor vehicle upon the highways of this state while such license is suspended or revoked or who shall violate any of the other provisions of this act shall be guilty of a misdemeanor.

§ 16. FEES TO BE PAID INTO THE STATE TREASURY: HOW APPROPRIATED AND DISTRIBUTED.] All moneys received under the provisions of this act shall be monthly paid by the State Highway Commissioner into the State Treasury and the same is hereby appropriated out of the State Treasury to the following purposes: the first ten thousand (\$10,000.00) dollars collected annually, is hereby appropriated into a fund to be known as the "Special Drivers' License Fund" to be used by the State Highway Commissioner in carrying out the provisions of this act. The next five thousand (\$5,000.00) dollars collected annually, is hereby appropriated into a special fund to be used by the Superintendent of Criminal Identification, as a special fund, hereby created as the "Criminal Identification Fund" for use in paying salaries and operating expense of the work of Criminal Identification, as provided by Chapter 116 of the Session Laws of 1929, and acts amendatory thereof; the balance of such moneys so received or so much thereof as is necessary shall be and is hereby appropriated to the Police Patrol Fund of the state.

§ 17. STATE HIGHWAY COMMISSIONER MAY APPOINT AGENT.] Any duties required of, or powers conferred on the State Highway Commissioner under the provisions of this act may be done and performed or exercised by any of his duly authorized agents.

§ 18. PROVISIONS SEPARABLE.] If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act.

§ 19. INCONSISTENT ACTS REPEALED.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 20. EMERGENCY.] This act is 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.

## CHAPTER 176

H. B. No. 174—(House State Affairs Committee)

## MOTOR VEHICLE REGISTRATION

An Act to amend and re-enact Sections 9, 11 and 36 of Chapter 179 of the Session Laws of North Dakota for the year 1927 as amended by Sections 4, 5 and 12 of Chapter 160 of the Session Laws of North Dakota of 1933; having to do with the application for registration of motor vehicles, duties of registrar, registration cards and certificate of application for license made.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 179 of the Session Laws of North Dakota for 1927 as amended and re-enacted by Section 4 of Chapter 160 of the Session Laws of 1933, be and the same is hereby amended and re-enacted to read as follows:

§ 9. APPLICATION FOR REGISTRATION; DUTIES OF REGISTRAR.]

(a) Application for the registration of a vehicle required to be registered hereunder shall be made by the owner thereof upon the appropriate forms approved or furnished by the Registrar and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number whether new or used and the last license number if 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.

(b) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this state, the owner shall exhibit to the Registrar the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the Registrar that the applicant is the lawful owner or possessor of the vehicle.

(c) LOST CERTIFICATES OR NUMBER PLATES—DUPLICATES TO BE OBTAINED.] In the event that any number plate or registration card issued hereunder 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.

§ 2. AMENDMENT.] That Section 11 of Chapter 179 of the Session Laws of 1927 as amended and re-enacted by Section 5 of Chapter 160 of the Session Laws of 1933 be and the same is hereby amended and re-enacted to read as follows:

§ 11. REGISTRATION CARDS.] (a) The Registrar, upon registering a vehicle, shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including engine number thereof, and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle; and such other statement of facts as may be determined by the Registrar.

(b) The registration card shall contain upon the reverse side a form for endorsement of notice to the Registrar upon transfer of the vehicle.

(c) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.

§ 3. AMENDMENT.] That Section 36 of Chapter 179 of the Session Laws of 1927 as amended by Section 12 of Chapter 160 of the Session Laws of 1933 be and the same is hereby amended and re-enacted to read as follows:

§ 36. The possession of a certificate made out by the notary public who took acknowledgment of the original application where such certificate shows date of application, make and model of car, and the manufacturer's number of the motor vehicle which such application describes and that he 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.

Approved March 7, 1935.

## CHAPTER 177

H. B. No. 325—(Marks, by request)

### DISTRIBUTION MOTOR VEHICLE REGISTRATION FUND

An Act relating to the distribution of the Motor Vehicle Registration Fund.

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

§ 1. AMENDMENT.] That Section 30, Chapter 160, Session Laws of North Dakota for 1933, be amended and re-enacted to read as follows:

§ 30. Any monies in the Registration Fund accruing after January 1st, 1936, from license fees issued during the year 1936,

or from other like sources, in excess of the amount required to pay salaries and other necessary expenses of said fund, shall be quarterly transferred and credited by the State Treasurer as follows: 50 per cent to the State Highway Department and 50 per cent to the counties of the State of North Dakota; provided, that prior to said January 1st, 1936, all such net monies shall be paid over as provided in said Section 30, Chapter 160, Session Laws of North Dakota for 1933.

Approved March 13, 1935.

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## CHAPTER 178

H. B. No. 298—(Treffry)

### SAFETY SHATTER PROOF GLASS FOR TAXIS, ETC.

An Act requiring safety shatter proof glass in taxis, passenger and automotive busses.

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

§ 1. No tax, passenger or automotive school bus, manufactured or assembled subsequent to the 1st day of July, 1935, not equipped with safety shatter proof glass, shall be used, sold, purchased or leased for the use of transporting persons for hire, or otherwise, within the State of North Dakota.

§ 2. PENALTY.] Any person, firm or corporation, including school boards and boards of education, who shall violate any of the terms or provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars or more than one hundred dollars.

Approved March 5, 1935.

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## CHAPTER 179

S. B. No. 156—(Committee on Highways)

### DEFINING AUTO TRANSPORTATION COMPANY

An Act to amend and re-enact Subdivision (d) of Section 1 of Chapter 188 of the Session Laws of 1931, relating to regulations of motor vehicle transportation, and declaring an emergency.

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

§ 1. AMENDMENT.] That subdivision (d) of Section 1 of Chapter 188 of the Session Laws of 1931 be, and the same is hereby amended and re-enacted to read as follows:

Subdivision (d) The term "auto transportation company" when used in this act means every corporation or person, their lessees,

trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails, used in the business of transporting persons and/ or property for compensation over any public highway in this state as a common carrier, including any individual, co-partnership, company or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating over the highways of the state in transporting goods, from one point to another for themselves or others where the price of said merchandise at its point of destination includes the costs of transportation or when a separate charge is made for said transportation. This act shall not apply to retailers engaged in delivering only gas and gas products from the bulk station directly to the farmer. Provided, that the term "auto transportation company" as used in this act shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever insofar as they own, control, operate or manage busses, taxicabs, or transfer trucks operated exclusively within two miles of incorporated limits of any city, town or village, school busses wherever operated, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, livestock or dairy or other farm products from the point of production to or from the market; or incidental hauling of products other than agricultural, where no charge is made therefor; nor shall this include hauling farm products to or from a railway station in his farming territory, or rural mail carriers employed by the United States Government, nor to anyone not licensed as an auto transportation company hauling native or lignite coal from the mine to the consumer, provided that he does not haul to exceed 15 miles from the point of production; nor to farmers hauling lignite coal regardless of the distance hauled, provided such hauling is done for other farmers and in exchange for work and not for cash.

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

Approved March 22, 1935.

## CHAPTER 180

S. B. No. 177—(Bonzer)

## ADDITIONAL FEES COMMERCIAL MOTOR VEHICLES

An Act to amend and re-enact Subdivision (c) of Section 25 of Chapter 186, Session Laws of 1931, as amended by Chapter 160 of the Session Laws of 1933, relating to taxation and licensing of motor vehicles and declaring an emergency.

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

§ 1. AMENDMENT.] That Subdivision (c) of Section 25 of Chapter 186, Session Laws of 1931, as amended by Chapter 160 of the Session Laws of 1933 be, and the same is hereby amended and re-enacted to read as follows:

Subdivision (c). For motor trucks used for commerce freighting in addition to the factors mentioned in paragraph (b) of this act an additional fee of \$25.00 per vehicle shall be charged and the funds collected from said additional fee of \$25.00 shall be paid into the auto transportation fund as provided by Chapter 188 of the Session Laws of 1931 and shall be expended as so provided.

Provided, that any passenger motor vehicle not having an advertised manufacturer's weight shall pay a license fee based upon actual weight as determined by the Registrar from satisfactory proofs submitted to him and that any truck not having a manufacturer's advertised load capacity, shall pay a license fee in accordance with the schedules herein provided and applicable thereto upon its load capacity, as determined by the Registrar upon satisfactory proofs submitted to him, and that any truck, however constructed, having a manufacturer's advertised load capacity of ten tons or over, if permitted to operate on the highways of this state, shall pay a license fee of fifteen hundred dollars (\$1,500.00); provided, further, that there shall be paid as a license fee for any vehicle used as a motor bus in the transportation of persons for hire over the highways of this state with a seating capacity of more than seven passengers, in addition to the regular weight fee as charged for passenger cars, except motor passenger busses operating exclusively within the corporate limits of any town or city, an annual additional license fee of eight and no/100ths dollars for each passenger capacity in excess of seven, and for this class of motor vehicles the Registrar shall designate a distinctive number and plate; but, if upon a satisfactory showing 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 year, notice of which seasonal use shall be given the Registrar when the original license fee last hereinbefore provided is paid, shall be, upon order of said Registrar, one-half of the annual additional license fee provided for herein, and one-half of the regular weight fee, and the license plate

issued for such motor bus shall be by the owner of such vehicle returned to the Registrar at the end of said season.

§ 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 7, 1935.

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## CHAPTER 181

S. B. No. 88—(Bonzer)

### DEFINING COMMERCIAL FREIGHTING

An Act to amend and re-enact Subdivision (e) of Section 1 of Chapter 161, Session Laws of 1933 relating to taxation and licensing of motor vehicles, and declaring an emergency.

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

§ 1. AMENDMENT.] That Subdivision (e) of Section 1 of Chapter 161, Session Laws of 1933 be, and the same is hereby amended and re-enacted to read as follows:

Subdivision (e). COMMERCIAL FREIGHTING DEFINED.] Commercial freighting shall mean the carriage of things other than passengers, for hire, except within the limits of the same city, village or town; providing that local dray lines carrying baggage or goods to or from a railroad station from or to places in said city, village or town or in the immediate vicinity thereof, in this state and not to exceed two miles from the corporate or recognized limits of said city, village or town, shall not be construed to be engaged in commercial freighting hereunder. Provided, further, that commercial freighting, as defined in this act, shall not include hauling done for farmers in transporting agricultural products to or from market, nor shall this include anyone hauling farm products to or from a railroad station in his farming territory; or incidental hauling of products other than agricultural where no charge is made therefor. Provided further that commercial freighting as defined in this act shall include any individual, co-partnership, company or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating over the highways of the state in transporting goods, from one point to another for themselves or others where the price of said merchandise at its point of destination includes the cost of transportation or when a separate charge is made for said transportation. This act shall not apply to retailers engaged in delivering only gas and gas products from the bulk station directly to the farmer, nor to anyone not licensed as a commercial freighter hauling native or lignite coal from the mine to the consumer, provided that he does not haul to exceed 15 miles from the point of production, nor to farmers hauling lignite coal regardless



of the distance hauled, provided such hauling is done for other farmers and in exchange for work and not for cash.

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

Approved March 12, 1935.

## CHAPTER 182

S. B. No. 119—(Bonzer)

### MOTOR CARRIER INSURANCE LIABILITY, ETC.

An Act to amend and re-enact Sections 26, 27, 31, 32, and 33 of Chapter 164, of the Session Laws for 1933, relating to regulation of motor vehicle transportation, repealing all acts or parts of acts in conflict herewith and declaring an emergency.

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

§ 1. AMENDMENT.] That Sections 26, 27, 31, 32, and 33 of Chapter 164 of the Session Laws of 1933 be amended and re-enacted to read as follows:

§ 26. INSURANCE OR BONDS REQUIRED: LIABILITY OF INSURER AND SURETY: TRIAL.] The commission shall in granting a certificate to any common motor carrier and in granting a permit to any contract carrier, require the owner or operator to first procure either liability and property damage insurance or a surety bond, to be approved by the commission as to the form, sufficiency, and surety thereof, and written by a company authorized to write such insurance in the State of North Dakota, in an amount to be designated by the commission. The conditions of this liability insurance or surety bond shall be such as to guarantee the payment of any loss or damage to property, or death or injury to persons, resulting from the negligence of such carrier. In any action for damages resulting from the negligence of such carrier, the insurer or surety shall not be joined as a party defendant, nor shall the fact of the ultimate liability of such insurer or surety be disclosed, or commented on to the jury; but upon final judgment the insurer or surety shall become directly liable to the owner of such judgment for the full amount thereof, but not exceeding the amount of the policy of insurance or surety bond applicable to such loss. Each insurance policy, or bond so required, shall be filed with the commission and kept in full force and effect, and upon the failure to do so the certificate or permit shall be revoked and cancelled. The commission shall also require the owner or operator to first procure a surety bond, written by a company authorized to write such bond in the State of North Dakota, in an amount to be designated by the commission, to guarantee the payment by the carrier to the shipper or its agent, of all cash (or

collect) on delivery charges collected by said carrier in connection with the operation or conduct of his or its business as such common motor carrier or contract carrier.

§ 27. It shall be unlawful for any common or contract carrier, its officers or agents, subject to this act, transporting either intrastate or interstate commerce, to require or permit any driver or his helper to drive or operate a motor vehicle or remain on duty for a longer period than ten consecutive hours and whenever any such operator or driver of such a carrier shall have been continuously on duty for ten hours he shall be relieved and not be required or permitted again to go on duty until he has had at least ten consecutive hours off duty, and no such operator or driver who has been on duty ten hours in the aggregate in any 24-hour period, shall be required or permitted to continue or again go on duty without having had at least ten consecutive hours off duty; provided, that the provisions of this section shall not apply in any case of casualty or unavoidable accident or the Act of God, nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such operator or driver at the time said operator or driver left a terminal and which could not have been foreseen.

It shall be unlawful for any common or contract motor carrier, its officers or agents subject to this act, transporting either intrastate or interstate commerce, to employ any driver or helper to operate its motor vehicles who is not of the age of 21 years or over, and who has not normal vision and hearing. No person shall be employed as such driver or helper by any common carrier or contract motor carrier who has any physical defects or disease which will in any way affect his ability to operate a motor propelled vehicle upon the public highways without danger to the public use of said highways.

The commission, for the purpose of enforcing this section, shall require all such carriers to make quarterly reports which shall show the names and ages of its drivers, and/or helpers, the routes over which they drove, the length of time each such employee was on duty and off duty, and such other information as the commission may need for the enforcement of this section.

Every applicant for the position of driver of a motor vehicle licensed under this act shall submit to a medical examination and procure a certificate from some reputable medical doctor showing that he has examined such applicant and that he is in good health and good physical condition, and said certificate shall especially show that said applicant has good eyesight and is qualified and capable of driving and operating a motor vehicle on the highways of North Dakota in the transportation business, so far as physical condition is concerned. Such physical examination shall be renewed annually thereafter and a certificate as to condition of the driver issued thereon. No driver shall be permitted to operate a motor vehicle on the highways of this state for a common or contract carrier without sub-

mitting to the foregoing examination and without the doctor's certificate as provided for herein, showing that he is in fit physical condition to operate such motor vehicle. Such certificate shall at all times be kept in a conspicuous place in the vehicle while being operated by such driver.

§ 31. CERTIFICATES AND PERMITS ISSUED.] Certificates and permits issued to carriers by the commission under this act shall remain in force and effect subject to the regulatory and annual fee provisions of said act, and subject to all limitations and requirements thereof. Such certificate and/ or permit shall be transferable only upon approval by the Board of Railroad Commissioners, upon due hearing, giving notice to all interested parties of sufficient length to enable them to attend such meeting.

§ 32. VIOLATION OF PROVISIONS.] Every officer, agent and employee of any corporation, person or co-partnerships and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of this act, or who fails to obey, observe or comply with any of the rules or regulations, or of any part or provision hereof, shall be guilty of misdemeanor and upon conviction shall be punished by a fine of not to exceed \$100.00, or by imprisonment in the county jail not to exceed 30 days, or both such fine and imprisonment.

§ 33. It shall be the duty of all peace officers of the state to make arrests, and the duty of all state's attorneys, to prosecute all violations of this act; an inspector or inspectors shall be appointed by the commission with all the powers of peace officers to enforce the provisions of this act in any part of the state, said inspectors to be paid as part of the expense of operating the commission. Upon written request of the commission it shall be the duty of the attorney general to prosecute or assist in the prosecution of any person or persons alleged to have violated any provision of this act, or any rule laid down by the commission under the act, and it shall be the duty of the Board of Railroad Commissioners, together with its officers and employees, to assist in the enforcement of this act and to institute or cause to be instituted, prosecutions for the violation of any of the provisions hereof.

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

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

Approved March 4, 1935.

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CHAPTER 183

H. B. No. 328—(Gilbertson)

**TRANSFER LICENSE TAGS COMMERCIAL FREIGHTING TRUCKS**

An Act for the transfer of license tags required for trucks engaged in commercial freighting, as provided by sub-division C of Section 5 of Chapter 186 of the Session Laws of 1931, to another truck owned by the same license holder, upon the sale or destruction of such commercial freighting truck, so licensed; prohibiting automobile dealers from permitting the use of a dealers license by another dealer and providing penalty therefor.

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

§ 1. TRANSFER COMMERCIAL FREIGHTING TRUCK LICENSE TAGS, WHEN PERMITTED.] Any owner of a truck licensed for commercial freighting and who has paid the additional annual fee of twenty-five (\$25.00) dollars upon such commercial freighting truck, as provided by sub-division C of Section 5 of Chapter 186 of the Session Laws of 1931, shall have the right to use the commercial freighting truck license tags procured through such payment, upon the sale or destruction of such truck so licensed, upon another truck owned by such licensee, during the balance of the year covered by such commercial trucking license.

§ 2. USE OF AUTOMOBILE DEALERS LICENSE. WHEN.] Any automobile dealer who permits any other automobile dealer to use his dealers license, or permits the use of such license for the benefit of any other dealer, shall have his dealers license revoked and shall be subject to a fine of not less than fifty (\$50.00) dollars or more than two hundred (\$200.00) dollars.

Approved March 12, 1935.

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CHAPTER 184

S. B. No. 91—(Bonzer)

**POSTING INTERSTATE CARRIER ROAD TAX RECEIPT**

An Act requiring issuance of receipt for road tax paid interstate carriers, and requiring posting of receipts, and providing a penalty for violation thereof, and declaring an emergency.

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

§ 1. RECEIPTS ISSUED: TO BE POSTED.] Upon payment of the road tax by operators engaged in interstate commerce within the meaning of Chapter 162 of the Session Laws of 1933, there shall be issued to said operator a receipt for said tax by the Registrar of Motor Vehicles and said receipt shall be delivered or mailed to the person, firm or corporation making such payment; immediately upon

receipt of such evidence of payment, the same shall be posted in a conspicuous place in the motor vehicle operated upon the highways of North Dakota by reason of said payment and shall be kept so posted until the time for which said tax has been paid shall have expired. Said operator shall likewise receive and post each successive receipt as above provided, and it shall be unlawful to operate any motor vehicle upon which a tax is imposed under the provisions of the Chapter 162 of the Laws of 1933, without said receipt being so posted.

§ 2. PENALTY.] Any person operating a vehicle in violation of this act shall be guilty of misdemeanor and upon conviction, shall be subject to a fine of not less than \$25.00 and not more than \$100.00, or be imprisoned in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment.

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

Approved March 1, 1935.

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## CHAPTER 185

S. B. No. 90—(Bonzer)

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### SIZE AND LOADS—MOTOR VEHICLES

An Act to amend and re-enact Section 36 of Chapter 162 of the Session Laws of North Dakota for the year 1927 as amended by Chapter 190 of the Session Laws of North Dakota for the year 1931, and as amended by Chapter 163 of the Session Laws of North Dakota for the year 1933, prescribing and relating to the size of motor vehicles and loads of motor vehicles, that may be driven or moved upon the highways of the State of North Dakota, and prescribing penalty for violation thereof.

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

§ 1. AMENDMENT.] That Section 36 of Chapter 162 of the Session Laws of North Dakota for the year 1927 as amended by Chapter 190 of the Session Laws of North Dakota for the year 1931, and as amended by Chapter 163 of the Session Laws of the State of North Dakota for the year 1933 be amended and re-enacted to read as follows:

(a) VEHICLES SIZE, LOADS.] No vehicle shall exceed a total outside width, including any load thereon, of eight (8) feet, except that this limitation shall not apply to contractor's equipment, nor to implements of husbandry, temporarily propelled or moved upon the highways of this state between sunrise and sunset.

(b) No vehicle, unladen or with load, shall exceed the height of twelve feet, six inches.

(c) No vehicle or combination of vehicles shall exceed the length of forty (40) feet and no trailer used for the transportation of goods for hire, profit or gain shall be hauled by any motor vehicle on the highways of this state. The provisions hereof shall not apply to carriage of structural material of telephone, power and telegraph companies, which must necessarily be transported on the highways on account of the location of their lines, adjacent to said highways. Other structural material, which otherwise could not be transported over the highways of this state, on account of the provisions of this act, may be so transported upon obtaining a temporary permit from the Commission, or from any employee designated by said Commission or said purpose upon a showing of a reasonable necessity and that the transporting of such structural material will not damage the highways to be used.

(d) No motor vehicle shall carry any load extending more than three (3) feet beyond the front thereof and no passenger vehicle shall carry any load extending beyond the lines of the fender on the left side of such vehicle, nor extending more than six (6) inches beyond the line of fender on the right side thereof.

(e) No vehicles or combination of vehicles shall together with load exceed sixteen thousand pounds in weight per axle properly tired, or six hundred pounds per inch of tire, provided however that the maximum gross weight of any vehicle or any combination of vehicles shall not exceed the weight of thirty-five thousand pounds.

(f) The term "gross weight" used in this act shall mean the unloaded weight of the vehicle and/or the unloaded weight of the tractor and semi-trailer combined, plus the weight of the load.

(g) The provisions of this section shall not apply to vehicles operated exclusively in any city or village, or contiguous to any city or village in this state.

§ 1a. Every peace officer, including the State Highway Police, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, is hereby authorized to weigh said vehicle and load, or have the same done, either by means of portable or stationary scales, and for that purpose may require the vehicle to be driven to the nearest scales. The officer may require the driver of said vehicle to immediately unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by this act.

§ 1b. VIOLATION PENALTY.] Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed one hundred dollars (\$100.00) or be imprisoned in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

§ 1C. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1935.

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## CHAPTER 186

S. B. No. 89—(Bonzer)

### TAXATION COMMERCIAL MOTOR VEHICLES USING HIGHWAYS

An Act to amend and re-enact Section 4 of Chapter 162 of the 1933 Session Laws, providing for taxation of motor vehicles using the highways of the State of North Dakota for commercial purposes, and engaged in transportation for hire in interstate commerce.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 162 of the Laws of 1933 be amended and re-enacted to read as follows:

§ 4. No tax shall be required from any truck, tractor, truck-tractor, semi-trailer or trailer when such vehicle engaged in interstate commerce does not come into the state of North Dakota a distance greater than five miles from the boundary of said state on any given trip, and does not travel on the highways of this state a distance of more than ten miles on said trip, nor shall any tax be required where said vehicle does 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 five miles distant therefrom. Provided, however, that nothing in this act contained shall be construed as preventing trucks, tractors, truck-tractors, semi-trailers or trailers from coming into the state such distance as shall be necessary to reach the nearest railway shipping station on the most direct travelled route from the state line to said station if under the law of the state of the residence of such owner like exemptions and privileges are granted to vehicles duly registered under the law and owned by residents of this state.

Approved February 27, 1935.

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## CHAPTER 187

S. B. No. 155—(Committee on Highways)

### TAXATION AND LICENSING MOTOR VEHICLES

An Act to amend and re-enact Section 2 of Chapter 162 of the Session Laws of 1933 relating to taxation and licensing of motor vehicles, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 162 of the Ses-

sion Laws of 1933 be, and the same is hereby amended and re-enacted to read as follows:

§ 2. No truck, tractor, truck-tractor, semi-trailer or trailer shall be operated on the highways of this state engaged exclusively in transporting property in interstate commerce or between this state and any province in the Dominion of Canada unless such vehicle has been registered and a license plate of a distinctive color issued therefor by the Registrar of Motor Vehicles. The applicant shall pay therefor a fee of \$5.00 for each such vehicle and in addition thereto truck mile tax as compensation for the use of the highways, which said tax shall be based upon the unloaded weight of the vehicle and the distance that such vehicle travels on the highways of this state. The tax on each motor vehicle or combination of vehicles shall be ascertained by multiplying the number of miles traveled by each of such vehicles on the highways of this state by the rate per mile as provided herein.

Said truck mile tax shall not be required upon a vehicle already registered under an authorized intrastate certificate or permit from the North Dakota Railroad Commission upon which the prescribed fees have been paid and which has already been registered with the North Dakota Motor Vehicle Department wherein the regular vehicle license plates as well as commercial C plates provided by statute have been purchased and displayed on said vehicle, even though said truck is also engaged in interstate commerce.

The tax on a combination of a truck-tractor and semi-trailer and/or a tractor and trailer, shall be determined by adding together the unloaded weight of both the truck-tractor and semi-trailer and/or tractor and trailer. The combined weight of the vehicle so ascertained shall determine the unloaded weight of such combination of vehicles for the purpose of computing such tax. Where a trailer is not attached directly to a tractor it shall be subject to a truck mile tax based on the unloaded weight of such trailer.

The truck mile tax shall be determined as follows:

Vehicle or combination of vehicles having an unloaded weight under 2 ton . . . . .	$\frac{1}{2}$ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 2 ton and not exceeding 3 ton	$\frac{3}{4}$ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 3 ton and not exceeding 4 ton	1c per mi.
Vehicle or combination of vehicles having an unloaded weight of 4 ton and not exceeding 5 ton	$1\frac{3}{4}$ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 5 ton and not exceeding 6 ton	$2\frac{1}{2}$ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 6 ton and not exceeding 7 ton	$3\frac{1}{4}$ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 7 ton and not exceeding 8 ton	4c per mi.



Vehicle or combination of vehicles having an unloaded weight of 8 ton and not exceeding 9 ton	4¾c per mi.
Vehicle or combination of vehicles having an unloaded weight of 9 to 10 ton .....	5½c per mi.
Any vehicle or combination of vehicles having an unloaded weight of more than 10 ton.....	6c per mi.

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

Approved March 1, 1935.

## MUNICIPAL CORPORATIONS

### CHAPTER 188

S. B. No. 310—(Whelan)

#### AUTHORIZING COUNTIES, CITIES, ETC., TO ACCEPT DEVISES, BEQUESTS, LEGACIES AND GIFTS

An Act authorizing counties, cities, villages, school districts and park districts to accept devises, bequests, legacies and gifts, provided that the title thereto shall be held in trust; regulating the handling and use of such property and its income; validating devises, bequests, legacies and gifts heretofore made; and declaring an emergency.

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

§ 1. Devises, legacies, bequests and gifts may lawfully be made to the state or any county, township, city, village, school district or park district of the State of North Dakota; and the title to any property, real, personal or mixed, which shall be devised, bequeathed or given to the state, or any such county, township, city, village, school district or park district for the use and benefit thereof, shall vest in the state or such county, township, city, village, school district or park district, to be by it held in trust, under the terms and conditions provided for in such devise, legacy, bequest or gift; unless otherwise authorized by the will or other instrument providing for such devise, bequest, legacy or gift, no part of such property, or the income therefrom shall be diverted or used for any other purpose.

§ 2. Any board of commissioners, aldermen, trustees or other officers charged with the management of the fiscal affairs of the state, or any such county, township, city, village, school district or park district, to whom any such devise, bequest, legacy or gift is made, shall be authorized to accept, receive and administer the same for and on behalf of the state, or any such county, township, city, village, school district or park district.