

MOTOR VEHICLES

CHAPTER 234

H. B. No. 666

(Fuglestad, Anderson (Richland), Wollitz, Klefstad, Snortland,
Callahan, Sorlie, Lee, Langley, Paulson and Nelson)

LEGALIZING USE OF PARKING METERS; LIMITATION

AN ACT

To amend and reenact the initiated measure approved June 29, 1948, entitled "making it unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department, to establish and maintain any mechanical device or devices known as parking meters, or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota", constituting chapter 357 of the 1949 Session Laws and Section 39-0109 of the 1949 Supplement to the North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. AMENDMENT.) The initiated measure approved June 29, 1948, entitled "making it unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department, to establish and maintain any mechanical device or devices known as parking meters, or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota" constituting chapter 357 of the 1949 Session Laws and section 39-0109 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

§1.) It shall be unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department to operate any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota;

1. Between the the hours of 5:00 P.M. and 9:00 A.M.;
2. On any legal holiday;
3. Within one hundred feet of the main entrance of any church, public or parochial school;
4. Within twenty-five feet of the corner of any retail business block; or
5. In any residential area as defined by ordinance or zoning regulations.

Nor unless provision be made in at least one-half of the parking meters for two hours parking at not to exceed ten cents. Any and all ordinances and resolutions authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, contrary to the provisions of this section shall be null and void. All fines, forfeitures, and pecuniary penalties prescribed as a punishment for a violation of any ordinance providing for the operation of parking meters, when collected shall be paid into the treasury of the county to be added to the state school fund.

§ 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 9, 1951.

CHAPTER 235

H. B. No. 606
(Baker)

SPECIAL MOTOR VEHICLE PLATES FOR AMATEUR RADIO STATIONS LICENSE HOLDERS.

AN ACT

To provide that holders of amateur radio station licenses upon proper proof of such license, and upon payment of added fees may apply for and obtain special plates bearing the applicants' amateur radio call letters, which plates shall be issued by the superintendent of the state highway patrol in addition to the usual motor vehicle registration certificates and plates.

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

- § 1. Motor vehicle owners who are residents of the state of

North Dakota and who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, Washington, D. C. upon application to the superintendent of the state highway patrol and payment of a fee of one dollar, accompanied by proof of ownership of such amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws, shall be issued an additional plate, upon which, shall be inscribed the official amateur radio call letters of such applicant as assigned by the federal communications commission. The superintendent of the state highway patrol shall make such rules and regulations as may be necessary and shall require compliance with all state license laws relating to use and operation of private passenger cars before issuing such plates.

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

Approved March 1, 1951.

CHAPTER 236

S. B. No. 100

(Anderson, Morgan, Nordhougen and Duffy)

APPOINTMENT, POWERS & DUTIES OF MOTOR VEHICLE REGISTRAR

AN ACT

To amend and reenact sections 24-0204, 39-0201 and 39-0203 of the North Dakota Revised Code of 1943, relating to the registrar of motor vehicles.

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

§ 1. AMENDMENT.) Section 24-0204 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

24-0204. COMMISSIONER IS HEAD OF STATE HIGHWAY DEPARTMENT.) The commissioner shall have the full control, management, supervision, administration, and direction of the state highway department and shall perform such other duties as may be imposed upon him or placed under his jurisdiction.

§ 2. AMENDMENT.) Section 39-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0201. REGISTRAR OF MOTOR VEHICLES: APPOINTMENT; TERM: REMOVAL: OATH: BOND.) The governor shall appoint a suitable person as registrar of motor vehicles. The registrar shall serve for a term of two years and until his successor is appointed and qualified, but he may be removed at any time for cause. He shall qualify by taking the oath prescribed for civil officers and shall furnish a bond in the penal sum of twenty thousand dollars, which shall conform to the provisions of law applicable to the bonds of state officers. If such bond is furnished by a surety other than the state bonding fund, it shall be approved as to form and sufficiency by the attorney general.

§ 3. AMENDMENT.) Section 39-0203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0203. POWERS AND DUTIES OF REGISTRAR AND DEPARTMENT.) The registrar, subject to the approval of the governor, may adopt and enforce such administrative rules and regulations and designate such agencies and establish such branch offices as may be necessary to carry out the provisions of this chapter. He shall provide suitable forms for applications, registration cards, license number plates, and all other forms requisite for the purposes of this chapter, and shall prepay all transportation charges thereon. The department and the officers thereof shall enforce the provisions of this chapter.

Approved March 5, 1951.

CHAPTER 237

H. B. No. 665
(Bubel, Wolf and Holand)
at the request of
(the Budget Director)

HIGHWAY PATROL

AN ACT

To amend and reenact sections 39-0301, 39-0302, 39-0305, 39-0306, 39-0308, 39-0309, and 39-0621 of the North Dakota Revised Code of 1943 and section 39-0303 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the state highway patrol.

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

§ 1. AMENDMENT.) Section 39-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0301. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Superintendent" shall mean the state highway patrol superintendent;
2. "Assistant superintendent" shall mean the assistant highway patrol superintendent; and
3. "Patrolmen" shall mean the members of the highway patrol including the superintendent and assistant superintendent.

§ 2. AMENDMENT.) Section 39-0302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0302. STATE HIGHWAY PATROL SUPERINTENDENT AND ASSISTANT APPOINTED BY GOVERNOR: DUTIES.) The governor shall appoint a state highway patrol superintendent and an assistant highway patrol superintendent who shall enforce the provisions of the laws of this state relating to the protection and use of the highways in this state and the operation of motor and other vehicles upon such highways.

§ 3. AMENDMENT.) Section 39-0303 of the 1949 Supplement to the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0303. PATROLMEN: APPOINTMENT: REMOVAL: DUTIES.)

The superintendent with the approval of the governor may appoint not more than forty patrolmen who, together with the superintendent and assistant superintendent, shall constitute the highway patrol. Such patrolmen shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol such highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. Any patrolman, except a temporary appointee, shall be subject to removal for cause only by the state highway patrol hearing board, which shall consist of the governor, secretary of state and attorney general. The governor shall be chairman of such board. The procedure which shall govern the removal of patrolmen and the appointment and removal of temporary appointees shall be as follows:

1. Removal proceedings may be initiated by the filing of written charges against the patrolman sought to be removed, verified by the person making the same, which charges shall be filed with the governor. If, upon the filing of such charges, the governor believes that they constitute grounds for removal, he shall order a hearing thereon before the highway patrol hearing board, and shall fix the time for such hearing, otherwise he shall dismiss such charges;
2. Not less than fifteen days before the time set for the hearing, notice thereof, signed by the chairman, together with a copy of the charge or charges, shall be served on the patrolman accused, by personal service if his whereabouts is known, within the state of North Dakota, otherwise by publication in the manner provided by law for the service of summons in a civil action. The highway patrol hearing board shall have authority to hear such charge or charges and make an appropriate order in the proceedings, which order shall be filed with the governor, and, if it shall be an order of removal, it shall be served upon the person removed either personally or by registered mail within ten days after its issuance;
3. In the event the governor orders a hearing, he may, at his discretion, suspend such accused patrolman pending the final determination of the charges, and in case the charges are dismissed, such patrolman shall be reinstated without loss of salary during the period of suspension;
4. Any patrolman, who is dismissed by order of the highway patrol hearing board, may appeal to the district court of Burleigh County, which appeal shall be taken and determined in the manner provided by chapter 32 of the title judicial procedure, civil; and

5. Each patrolman appointed shall be deemed a temporary appointee for a period of nine months, during which period he shall be placed under probationary training service. At the end of such training period, such temporary appointee shall be automatically dismissed unless he receives a permanent appointment which shall be approved by the superintendent. During such training period, such temporary appointee shall be subject to dismissal at the will of the superintendent.

§ 4. AMENDMENT.) Section 39-0305 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0305. BADGE ISSUED TO PATROLMEN; CONTENTS OF BADGE.) The superintendent shall issue to each patrolman a badge of authority with the seal of this state in the center thereof. The term "North Dakota highway patrol" shall encircle such seal and below the same shall appear the designation of the position held by the person to whom such badge is issued. Each such badge shall contain a serial number, or each patrolman shall display otherwise a distinctive serial number. No badge shall be issued to any person who is not a duly appointed and acting member of the highway patrol.

§ 5. AMENDMENT.) Section 39-0306 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0306. OATH AND BOND REQUIRED OF SUPERINTENDENT, ASSISTANT SUPERINTENDENT, AND PATROLMEN.) The superintendent, assistant superintendent, and each patrolman, before entering upon the performance of his duties, shall take and file the oath prescribed by law for state officers and shall be bonded in the state bonding fund for the sum of two thousand dollars.

§ 6. AMENDMENT.) Section 39-0308 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0308. MANNER OF PAYING SALARIES, WAGES, AND EXPENSES OF HIGHWAY PATROL.) All salaries, wages, and other expenses of the highway patrol shall be paid by the state auditor and state treasurer out of the patrol fund, upon vouchers required by law for the payment of all state expenses, duly approved by the superintendent, and audited and allowed by the state auditing board.

§ 7. AMENDMENT.) Section 39-0309 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0309. *POWERS OF HIGHWAY PATROL.*) The superintendent and each member of the highway patrol, shall have the power:

1. Of a peace officer for the purpose of enforcing the provisions of this title relating to operators' licenses and of any other law regulating the operation of vehicles or the use of the highways;
2. To make arrests upon view and without warrant for any violation committed in his presence of any of the provisions of this title relating to operators' licenses or to other laws regulating the operation of vehicles or the use of the highways;
3. To direct traffic in conformance with law, or, in case fire or emergency and to expedite traffic, or, to insure safety by directing traffic as conditions may require notwithstanding the provisions of law;
4. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this title relating to operators' licenses or of any other law regulating the operation of vehicles, to require the driver of such vehicle to stop and exhibit his operators' license and the registration card issued for the vehicle, and to submit to an inspection of such vehicle, the registration plates and registration card thereon, or to submit to an inspection and test of the equipment of such vehicle;
5. For the purpose of locating stolen vehicles and to investigate the title and registration thereof, to inspect any vehicle of a type required to be registered under the provisions of this title, in any public garage or repair shop, or in any place where such vehicles are held for sale or wrecking;
6. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways;
7. To investigate traffic accidents and secure testimony of witnesses or of persons involved;
8. To investigate reported thefts of motor vehicles, trailers, semi-trailers; and
9. To take applications for operators' licenses without making a charge therefor.

§ 8. *AMENDMENT.*) Section 39-0621 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0621. *FEES COLLECTED TO BE PAID INTO STATE TREASURY; USE OF.*) All moneys received under the provisions of this chapter, shall be paid monthly into the state treasury. The

state treasurer shall place such moneys in a special fund for the use of the state highway patrol in accordance with appropriations made by the legislative assembly.

Approved March 5, 1951.

CHAPTER 238

H. B. No. 652
(Fitch, Bentz, Jansonius, Robinson and Beede)

HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

AN ACT

To amend and reenact chapter 39-03A of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the highway patrolmen's retirement system.

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

§ 1. AMENDMENT.) Chapter 39-03A of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-03A01. DEFINITIONS.) The following words and phrases as used in this chapter, unless a different meaning is plainly implied by the context, shall have the following meaning:

1. "Accumulated deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund, and standing to his credit in the fund, together with the regular interest thereon;
2. "Board", the North Dakota highway patrolmen's retirement board;
3. "Contributor", any person who is a member of the North Dakota highway patrol and is subject to salary deductions to support the fund;
4. "Fund", the North Dakota highway patrolmen's retirement fund;
5. "Patrol", the North Dakota highway patrol;
6. "Total disability", the degree of disability which is recognized under the workmen's compensation laws as sufficient to entitle the claimant to an award for temporary total disability;
7. "Average monthly salary", the amount, not exceeding three hundred dollars, which will be produced by divid-

ing the total compensation, before deductions, received by the contributor by the total number of months of active service served by him, or, if the contributor has not served a month of active service, then the amount of the contributor's beginning salary, not exceeding three hundred dollars.

39-03A02. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT SYSTEM.) A retirement system is hereby established for the members of the North Dakota highway patrol.

39-03A03. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT BOARD.) There is hereby established the North Dakota highway patrolmen's retirement board which will consist of five members, who shall be the governor, the superintendent of the North Dakota highway patrol, the attorney for the North Dakota highway patrol, and two members of the North Dakota highway patrol, to be annually elected by the said patrol.

39-03A04. ADMINISTRATIVE EXPENSES.) The expense of the administration of this chapter, exclusive of the payment of retirement allowances and other benefits, shall be paid by the state of North Dakota, by appropriation out of the highway patrol fund, made on the basis of budgets submitted by the board.

39-03A05. PAYMENTS INTO THE NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.) All appropriations made by the state of North Dakota, all contributions by members of the North Dakota highway patrol, in the amount hereinafter specified, and all interest on the increase of the investments and moneys under this account shall be paid to the state treasurer, who shall credit said payments to the North Dakota highway patrolmen's retirement fund.

39-03A06. RULES AND REGULATIONS: ACTUARIAL DATA.) The board shall, from time to time, establish such rules and regulations for the administration of this chapter as may be deemed necessary. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund.

39-03A07. MEMBERSHIP.) Every member of the North Dakota highway patrol, including the superintendent and assistant superintendent, shall be required to become a contributor to the retirement system established by this chapter on July 1, 1949, and thereafter when first becoming a member of the North Dakota highway patrol. Contributions by members under this chapter shall commence with the first payroll after July 1, 1949. If any person who becomes a member of the North Dakota highway patrol subsequent to July 1, 1949, shall have been at any

time theretofore a member of the North Dakota highway patrol, he shall receive credit for any such service prior to July 1, 1949, upon complying with the provisions of this chapter.

39-03A08. SERVICE ALLOWANCE.) In computing the length of service of contributor for retirement purposes, full credit shall be given to each contributor for each year of service rendered to the patrol including service rendered prior to July 1, 1949, upon complying with the provisions of this chapter. As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to July 1, 1949. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the contributor. The time during which a contributor is absent from service without pay shall not be counted in computing the service of a contributor unless approved by the board.

39-03A09. PAYMENTS BY CONTRIBUTORS.) Every member shall be required to contribute into the fund a sum equal to six percent of his monthly salary, but not to exceed eighteen dollars, which sum shall be deducted from his salary and credited to his account in the fund. Every member, who has been in the employ of the North Dakota highway patrol prior to July 1, 1949, shall have the option and he may elect to make payments to the date when he first entered the service of the North Dakota highway patrol. Such back payments shall not exceed three and one-half percent of the total salary which would have been earned by the contributor had he continued in the service of the patrol, and may be spread over a period of three years by having the regular payroll deduction of the contributor increased in an amount equal to the total of his back payments divided by thirty-six, which deduction increase shall be credited to such back payments owing and shall be continued until the full amount of such back payments shall have been completed. Any such deduction increase may be anticipated in part or in full by the contributor at any time and must be anticipated in full before a retirement or optional retirement allowance is granted, and, if not so anticipated and paid in full, then any retirement or optional retirement allowance to which the contributor would otherwise be entitled shall be reduced by an amount and for such time as will assure that the back payments will be returned to the fund in the same manner as if the deduction increase had been continued. Every contributor who shall elect to make such back payments shall receive full credit under this chapter for all contributions made into the fund and for all service credits to which he might thereby be entitled.

39-03A10. CONTRIBUTIONS BY THE STATE OF NORTH DAK-

OTA.) The state of North Dakota shall annually contribute to the fund a sum equal to the amount contributed by patrolmen to this fund from the driver's license fund.

39-03A11. RETIREMENT.) Each contributor whose employment with the patrol has been terminated and who has at least twenty-five years accumulated deductions may, after reaching the age of sixty years, apply to the board for the retirement allowance provided for in section 39-03A12.

39-03A12. RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A11 shall be entitled to receive from the fund for the duration of his life, a monthly retirement allowance equal to one-half of the average monthly salary paid to such contributor.

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

39-03A14. OPTIONAL RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A13 shall be entitled to receive from the fund, for the duration of his life, a monthly optional retirement allowance equal to one-third of the average monthly salary paid to such contributor. Ten percent of the amount so calculated shall be added to the optional retirement allowance for each year of accumulated deductions of the contributor, which is in excess of twenty years but less than twenty-five years accumulated deductions.

39-03A15. DISABILITY RETIREMENT.) Each contributor who shall become totally disabled in the course of his employment with the patrol, regardless of the amount, if any, of his accumulated deductions, may apply to the board for disability retirement allowance provided for in section 39-03A16.

39-03A16. DISABILITY RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A15 shall be entitled to receive from the fund for the duration of the period of total disability a monthly disability retirement allowance which when added to the compensation allowance, if any, to which the contributor may be entitled under the workmen's compensation laws will equal one-half of the average monthly salary of the contributor.

39-03A17. SEVERANCE ALLOWANCE.) Each contributor who has not reached the age of sixty-five and whose employment with the patrol has been terminated and who has at least ten years but less than twenty years accumulated deductions, shall be

entitled to receive from the fund, upon making application therefor to the board, a severance allowance which shall consist of the amount of the accumulated deductions of the contributor.

39-03A18. COMPULSORY TERMINATION OF EMPLOYMENT.) Whenever any contributor shall reach the age of sixty-five years, regardless of his years of service, his employment with the patrol shall be terminated forthwith. If such contributor has at least twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly retirement allowance provided for in section 39-03A12. If such contributor has at least twenty years but less than twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly optional retirement allowance provided for in section 39-03A14. If such contributor has less than twenty years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the severance allowance provided for in section 39-03A17.

39-03A19. REFUNDS IN CASE OF RESIGNATION OR DISCHARGE.) Whenever a contributor resigns of his own volition, or is discharged for cause before becoming entitled to a retirement, optional retirement, or severance allowance, then he shall be paid a refund in an amount equal to one-half his accumulated deductions.

39-03A20. PAYMENTS UPON DEATH.) If the board shall find that a contributor died as a direct and proximate result of injury received in the course of his employment, the disability retirement allowance provided for in section 39-03A16, shall be paid to his widow so long as she remains his widow and, if and when such widow dies or remarries, then to his children under eighteen years of age, while they are under eighteen years of age.

39-03A21. PAYMENTS IN CASE OF DEATH FROM NATURAL CAUSES.) Whenever a contributor, who is receiving or is entitled to receive a retirement, optional retirement, or disability retirement allowance, dies leaving a surviving wife or children such allowance shall be paid first, to the surviving wife so long as there are surviving children under eighteen years of age, or, if there is no surviving wife, to the surviving children under eighteen years of age, second, to the unmarried surviving wife after she reaches the age of sixty years, providing she has not remarried since the death of the contributor. Whenever a contributor, who is entitled to receive either a severance allowance or a refund, dies leaving a surviving wife or children such severance allowance or refund shall be paid to the surviving wife, or, if there is no surviving wife to the surviving children.

39-03A22. PAYMENTS OF ALLOWANCES.) The allowances granted under the provisions of this chapter shall not be increased, decreased, revoked or repealed unless by act of the legislative assembly of the state of North Dakota.

39-03A23. EXEMPTIONS FROM TAXES AND EXECUTIONS.) Any money received or to be paid as a retirement, optional retirement or disability retirement allowance, or severance allowance, or the right to any of these, shall be exempt from any state or municipal tax and from levy, sale, garnishment, attachment or any other process whatsoever and shall be unassignable.

39-03A24. SERVICE IN THE ARMED FORCES OF THE UNITED STATES.) Any member of the North Dakota highway patrol now in or hereafter inducted into the armed forces of the United States, shall have the option:

1. To continue his payments into the fund; or
2. Allow the board to make his payments for him during such military service, in which event he shall repay the fund the full amount of such payments upon his return to the North Dakota highway patrol, and such payments must be made within three years after his return to the patrol in the same manner as provided in section 39-03A09 provided that a member's service in the armed forces of the United States shall be credited to and made a part of the member's service.

39-03A25. FRAUD; CORRECTION OF ERRORS.) No person shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system. Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or other beneficiary receiving more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the board shall correct such error and shall adjust the payments which shall be made to the contributor in such manner that the benefit to which he was correctly entitled shall be paid. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be

39-03A26. PAYMENTS UNDER OTHER LAWS.) All payments provided for in this chapter are in addition to any other benefits now or hereafter provided for under the workmen's compensation laws of the state of North Dakota, except as provided in section 39-03A15.

Approved March 5, 1951.

CHAPTER 239

H. B. No. 668
(Benson, Halcrow and Sailer)

DEFINING "DEALER"

AN ACT

To amend and reenact Sub-section 1 of Section 39-0401 of the 1949 Supplement to the North Dakota Revised Code of 1943, defining the word "Dealer".

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

§ 1. AMENDMENT.) Sub-section 1 of Section 39-0401 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-0401. 1. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale.

Approved March 7, 1951.

CHAPTER 240

S. B. No. 171
(Day and Streibel)

REGISTRATION FEE FOR CERTAIN DISABLED VETERANS

AN ACT

To amend and reenact section 39-04041 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to license registration of motor vehicles owned by disabled veterans receiving vehicles under Public Law 663.

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

§ 1. AMENDMENT.) Section 39-04041 of the 1949 Supple-

ment to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-04041. REGISTRATION FEE FOR CERTAIN DISABLED VETERANS.) Any disabled veteran owning an automobile under the provisions of Public Law 663 of the 79th congress of the United States shall have said vehicle and any one vehicle subsequently owned by him exempt from the payment of the registration fee provided for in chapter 39-04 of the North Dakota Revised Code of 1943, except that one dollar shall be charged for each set of such plates and registration on one motor vehicle owned and operated by him for his natural life. Motor vehicle as used in this section shall mean a passenger automobile or a pickup truck of not exceeding ten thousand pounds gross weight. The motor vehicle registrar, after consultation with the state department of the disabled American veterans shall adopt and issue a special emblem or license plate which shall be furnished and may be used on such motor vehicles. Such special license plates shall not be transferable and the registration of any vehicle under this section shall expire upon transfer or sale.

Approved February 28, 1951.

CHAPTER 241

H. B. No. 553

(Legislative Research Committee)
at the request of
(The Motor Vehicle Department)

MOTOR VEHICLE REGISTRATION FEES, WHEN DUE AND DELINQUENT

AN ACT

To amend and reenact section 39-0417 of the North Dakota Revised Code of 1943, relating to due and delinquent dates for motor vehicle license registration fees.

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

§ 1. AMENDMENT.) Section 39-0417 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0417. WHEN REGISTRATION FEES BECOME DUE AND DELINQUENT.) The registration fee for a motor vehicle shall become due as soon as such vehicle first is used upon the highways

of this state and upon January first in each year thereafter. The annual registration fee shall be paid upon transfer of ownership in the vehicle and in any event on or before February first, and shall be delinquent after February first unless paid. Except as otherwise provided in this chapter, license fees falling due between February first and December thirty-first shall become delinquent upon the expiration of five days after the same become due.

Approved February 8, 1951.

CHAPTER 242

H. B. No. 770

(A. C. Langseth, Leet. Skaar, Einarson, Pederson,
Dickey, Callahan, C. A. Anderson)

CERTAIN EXEMPTIONS FROM MOTOR VEHICLE REGISTRATION FEES; AUTHORIZING RECIPROCAL AGREEMENTS

AN ACT

To amend and reenact section 39-0421 of the 1949 Supplement to the North Dakota Revised Code of 1943, providing for the exemption from registration fees of certain motor vehicles, and authorizing reciprocal agreements.

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

§ 1. AMENDMENT.) Section 39-0421 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0421. MOTOR VEHICLES EXEMPT FROM REGISTRATION FEES; RECIPROCAL USE OF STATE HIGHWAYS BY FOREIGN LICENSED MOTOR VEHICLES.) All motor vehicles owned and operated by this state or by any of its subdivisions shall be required to register and display number plates on such vehicles. Such vehicles shall be exempt from payment of all registration fees provided for in this chapter, except that one dollar shall be charged for each set of number plates issued, to cover the cost of such plates and registration. Provided, that any motor vehicle, truck, tractor, truck-tractor, semi-trailed and trailer registered in any state of the United States, the District of Columbia, or any foreign province, state or county, which vehicle carries the number plates indicating such registration and licensing in such foreign state, and which vehicle is not engaged, operated or used in intrastate

commerce within this state, may be operated over the highways of the state of North Dakota without being registered or licensed in this state, during the year of such foreign registration and licensing, where such state, district or foreign province or state allows any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered and licensed in this state to be operated tax free upon its streets and highways under conditions substantially as favorable to residents of North Dakota as are granted herein to nonresidents; provided further that any one who desires to take advantage of the reciprocity provisions of this chapter shall make application in duplicate to the North Dakota public service commission, giving the point of entry and routes of travel within the state and receive a permit which shall be furnished without cost. The public service commission shall transmit one copy of such application to the highway commissioner prior to issuance of such permit; provided further, that the owner of such motor vehicle has not moved to the state of North Dakota, in which case the vehicle must be registered for the remainder of the calendar year as provided by the provisions of this chapter. With respect to fleets of two or more commercial vehicles owned by North Dakota residents or non-reident which are engaged regularly in interstate movement, the motor vehicle registrar may enter into agreements with other states to apportion the licensing of such fleets between North Dakota and such other states. The percentage of miles the fleets subject to this section operate in North Dakota as related to the total miles such fleets operate shall be used by the motor vehicle registrar to determine the percentage of the total number of vehicles in such fleets which must be licensed in North Dakota. The motor vehicle registrar may require the fleet owners subject to this section to submit under oath such information or to keep such records as the motor vehicle registrar deems necessary for the proper carrying out of the provisions of this section.

Approved March 9, 1951.

CHAPTER 243

H. B. No. 551
(Legislative Research Committee)
at the request of
(The Motor Vehicle Department)

FEEES FOR PASSENGER MOTOR VEHICLES

AN ACT

To amend and reenact section 39-0422 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to license registration fees for passenger motor vehicles, and providing for an effective date.

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

§ 1. AMENDMENT.) Section 39-0422 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0422. FEEES FOR PASSENGER MOTOR VEHICLES.) The fees to be paid for registration, reregistration, and operation on all passenger motor vehicles, including hearses and ambulances, except motorcycles, shall be based on the manufacturer's weights of such vehicles and the years of registration as follows:

YEARS REGISTERED

Weight	1st, 2nd, & 3rd yrs.	4th, 5th, 6th yrs.	7th, 8th, 9th yrs.	10th & Subse- quent yrs.
2399 or less	\$15.00	\$12.00	\$ 9.00	\$ 6.00
2400-2799	20.00	16.00	12.00	8.00
2800-3199	25.00	20.00	15.00	10.00
3200-3599	30.00	24.00	18.00	12.00
3600-3999	35.00	28.00	21.00	14.00
4000-4499	45.00	36.00	27.00	18.00
4500-4999	60.00	48.00	36.00	24.00
5000-5999	85.00	68.00	51.00	34.00
6000-6999	110.00	88.00	66.00	44.00
7000-7999	135.00	108.00	81.00	54.00
8000-8999	160.00	128.00	96.00	64.00
9000 & Over	185.00	148.00	111.00	74.00

§ 2. EFFECTIVE DATE.) This Act shall take effect on January 1st, 1952.

Approved March 5, 1951.

CHAPTER 244

H. B. No. 552

(Legislative Research Committee)
at the request of
(The Motor Vehicle Department)

FEES FOR COMMERCIAL AND NON-COMMERCIAL TRUCKS
AN ACT

To amend and reenact section 39-0424 of the 1949 Supplement to the North Dakota Revised Code of 1943, section 39-0444 of the North Dakota Revised Code of 1943 and to repeal sections 39-0443 and 39-0453 of the North Dakota Revised Code of 1943, as amended, relating to license fees for commercial and non-commercial trucks, and providing for an effective date.

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

§ 1. AMENDMENT.) Section 39-0424 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0424. FEES FOR COMMERCIAL AND NON-COMMERCIAL TRUCKS.) All commercial and non-commercial trucks, except vehicles for the transportation of passengers, shall pay the following registration fees:

GROSS WEIGHT	YEARS REGISTERED			
	1st, 2nd, years	3rd, 4th, years	5th, 6th, years	7th & Subse- quent years
4,000	\$15.00	\$12.00	\$ 9.00	\$ 4.00
6,000	20.00	16.00	12.00	6.00
8,000	25.00	20.00	15.00	8.00
10,000	30.00	24.00	18.00	10.00
12,000	35.00	28.00	21.00	12.00
14,000	40.00	32.00	24.00	14.00
16,000	45.00	36.00	27.00	16.00
18,000	50.00	40.00	30.00	18.00
20,000	55.00	44.00	33.00	20.00
22,000	60.00	48.00	36.00	22.00
24,000	65.00	52.00	39.00	24.00
26,000				
	1st, 2nd, & 3rd yrs.	4th, 5th, & 6th yrs.		7th & Subse- quent years
30,000	100.00	90.00		75.00
32,000				
36,000	200.00	175.00		150.00
38,000				
44,000	400.00	350.00		300.00

46,000			
54,000	700.00	650.00	600.00
57,000	825.00	775.00	725.00
60,000	950.00	900.00	850.00

§ 2. AMENDMENT.) Section 39-0444 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0444. REGISTERED MOTOR VEHICLE TRANSPORTING PROPERTY MAY CHANGE REGISTRATION TO HIGHER GROSS WEIGHT.) Any owner of a motor vehicle transporting property who has licensed such vehicle any gross weight limitations, may change such registration to a higher gross weight limitation, by the payment of the difference between the fee required for the new registration and the fee paid for the registration under which the vehicle is being operated. If such owner makes an application for such change of registration subsequent to July first of any year, he shall pay fifty percent of the additional increase in license fees and after October first of any year, twenty-five percent of such increase. In no event shall such fee be less than three dollars.

§ 3.) School busses used in the transportation of school children, other than those busses eligible for an official registration, shall be registered under this truck schedule and shall not be required to pay any other annual fees.

§ 4. REPEAL.) Sections 39-0443 and 39-0453 of the North Dakota Revised Code of 1943, as amended, are hereby repealed.

§ 5. EFFECTIVE DATE.) This Act shall take effect on January 1, 1952.

Approved March 9, 1951.

CHAPTER 245

S. B. No. 47
(Legislative Research Committee)
at the request of
(Motor Vehicle Department)

HOUSE TRAILER LICENSE AND REGISTRATION: EXCEPTION AN ACT

To amend and reenact sections 39-0439 and 39-0529 of the North Dakota Revised Code of 1943, relating to licensing and registering house trailers hauled upon the highways of this state.

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

§ 1. AMENDMENT.) Section 39-0439 of the North Dakota

Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0439. HOUSE TRAILER TO BE LICENSED AND REGISTERED; EXCEPTION; FEE.) No person shall haul a house trailer on the highways of this state unless a certificate of title has been issued for such trailer and it displays a number plate issued by and under such regulations as the registrar may prescribe. The fee for such number plate shall be fifty cents for each foot in length of the trailer. If such trailer enters the state carrying the current number plate of another state, no number plate shall be required by this state for a period of thirty days.

§ 2. AMENDMENT.) Section 39-0529 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0529. REGISTRATION OF HOUSE TRAILERS; PROVISIONS OF CHAPTER NOT APPLICABLE TO TRAILERS OR SEMI-TRAILERS LESS THAN FIFTY DOLLARS IN VALUE.) Certificates of title for house-trailers hauled upon the highways of this state shall be issued by and under such regulations as the registrar shall prescribe. The fee for each such certificate shall be one dollar but the provisions of this chapter shall not apply to any trailer or semi-trailer the value of which is less than fifty dollars.

Approved February 28, 1951.

CHAPTER 246

H. B. No. 800

(Einarson, Roen, Bubel and Anderson - Ransom)

FEE ON MOTOR VEHICLES ENGAGED IN TRANSPORTATION OF PROPERTY; DISTINCTIVE TAGS; EXEMPTIONS; PENALTIES

AN ACT

To levy a fee on motor vehicles engaged in the transportation of property; providing for issuance of distinctive tags; making exemptions from the provisions of this Act, providing penalties for the violation thereof, and providing for an effective date period.

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

§ 1. DEFINITIONS.) As used in this Act:

1. "Motor vehicle" shall mean and include any motor driven truck, or combination of truck and trailer or semi-trailer,

used upon any public highway of the state for the purpose of transporting property;

2. "Person" shall include an individual, firm, copartnership, corporation, company, association, and any lessee, trustee, or receiver; and
3. "Public highway" shall mean every public street, alley, road, highway, or throughfare of any kind used by the public.

§ 2.) There is hereby levied on motor vehicles engaged in the transportation of property, an annual fee which shall be in addition to the license fee paid to the motor vehicle registrar for the licensing of such motor vehicles. Such fees shall be due on January first of each year and shall be payable to the auto transportation division of the public service commission and deposited with the state treasurer to the credit of the auto transportation fund. The provisions of this Act shall be administered by the public service commission, which shall have authority to promulgate rules and regulations to carry out the provisions of the Act.

§ 3.) The motor vehicle registrar shall furnish to the public service commission without cost distinctive tags which shall be numbered consecutively. The tags issued pursuant to this Act shall be transferable:

1. By the owner to motor vehicles which replace motor vehicles of the same registered gross weight;
2. By an owner to another owner subject to the provisions of this Act.

§ 4. FEES.) Such annual fees shall be based on the gross weight for which the motor vehicle is licensed by the motor vehicle registrar and shall be in the following amount:

1. Motor vehicles licensed for a gross weight of twenty-four thousand pounds or less, three dollars per net ton; and
2. Motor vehicles licensed for a gross weight in excess of twenty-four thousand pounds, five dollars per net ton.

The minimum fee shall be ten dollars for each motor vehicle. The fee for motor vehicles placed in service after June 30th and before September 30th shall be one-half of the annual fee, after September 30th, one-fourth of the annual fee.

§ 5.) Fees shall be delinquent on February 1st after which a penalty of ten cents per day shall apply, provided that total penalty shall not exceed ten dollars.

§ 6. EXCEPTIONS.) This Act shall not apply:

1. To the transportation of property between farms and the usual local trading places or between farms locally;

2. To a farmer transporting his own livestock or commodities from his farm with his own truck to any village, market, or place where such livestock and commodities are to be sold, stored, or otherwise disposed of, as well as the transporting of supplies from any village, city, or place where same is purchased or acquired to his farm where such supplies are to be used, consumed, or processed; or
3. To the transportation of property within the city or village limits or not to exceed two miles from the corporate or recognized limit of such city or village.

§ 7. PENALTY FOR VIOLATION OF PROVISIONS OF ACT.) Any person violating any of the provisions of this Act, for which another penalty is not specifically provided, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 8. EFFECTIVE DATE.) This Act shall take effect on January 1, 1952.

Approved March 9, 1951.

CHAPTER 247

H. B. No. 667
(Benson, Sailer and Halcrow)

MOTOR VEHICLE DEALERS LICENSES; FEES; ADDITIONAL NUMBER PLATES

AN ACT

To amend and reenact Section 39-0459 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the issuance of motor vehicle dealer's license; fees to be paid; providing for issuance of dealer's plates and the qualifications.

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

§ 1. AMENDMENT.) Section 39-0459 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0459. MOTOR VEHICLE DEALERS LICENSES; FEES; ADDITIONAL NUMBER PLATES.) It shall be unlawful for any person, partnership or corporation to engage in the business of buying, selling or exchanging of motor vehicles, or to advertise or hold himself out to the public as engaging in the buying, selling or exchanging of motor vehicles, or to engage in the buying of motor vehicles for resale, unless he possesses a current dealer's license

for which he shall pay a license fee of twenty-five dollars (\$25.00) per year, and with which shall be issued one set of dealer's plates. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of five dollars (\$5.00) per set. Such number plates may be used on any car owned by the dealer and used by him in the ordinary course of his business, but shall be used on used cars only when such cars are used for demonstration purposes. A motor cycle dealer shall pay a license fee of five dollars (\$5.00) for each set of motorcycle number plates issued to him. Application of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone until and unless the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has an established place of business, and has facilities and equipment for the maintenance, servicing and repair of motor vehicles. An established place of business when used in this Act (section) shall mean a permanent enclosed building or structure either owned in fee or leased, at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of evading this Act (section). Said place of business shall not mean residences, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements hereinbefore set forth.

Approved March 9, 1951.

CHAPTER 248

H. B. No. 550
(Legislative Research Committee)
at the request of
(Motor Vehicle Department)

DEALERS LIST OF USED CARS TO BE FILED WITH
REGISTRAR; FEES

AN ACT

To amend and reenact section 39-0462 of the North Dakota Revised Code of 1943, relating to licensing of used motor vehicles.

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

§ 1. AMENDMENT.) Section 39-0462 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0462. DEALER TO FILE LIST OF USED CARS WITH REGISTRAR; FEES PAID ON USED CARS BY DEALER.) On or before February fifth of each year, a licensed dealer shall file with the registrar a list and a description of all used cars on hand on February first of such year. Such used cars need not be licensed until July first unless they are sold before that date. After July first, each used car on hand must be licensed at the full annual license fee but without penalty. Any used car taken in by a dealer after July first of any year, which carries the current year's number plates of another state, if sold within the state, shall be required to pay one-half of the regular fee, and if any such car taken in after October first of any year is sold, one-fourth of the regular fee shall be paid.

Approved February 9, 1951.

CHAPTER 249

S. B. No. 45
(Legislative Research Committee)
at the request of
(Motor Vehicle Department)

REPEAL MOTOR VEHICLE TITLE TRANSFER BY OPERATION
OF LAW, ETC.

AN ACT

To repeal section 39-0464 of the North Dakota Revised Code of 1943, relating to motor vehicle license registration as affected by transfer of title.

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

§ 1. REPEAL.) Section 39-0464 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1951.

CHAPTER 250

S. B. No. 44
(Legislative Research Committee)
at the request of
(Motor Vehicle Department)

MOTOR VEHICLE TITLE REGISTRATION TRANSFERS

AN ACT

To amend and reenact section 39-0517 of the 1949 Supplement to the North Dakota Revised Code of 1943, and to repeal section 39-0518 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to motor vehicle title registration transfers.

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

§ 1. AMENDMENT.) Section 39-0517 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0517. TRANSFER OF TITLE OF VEHICLE; ENDORSEMENT REQUIRED: CERTIFICATE OF TITLE DELIVERED; NEW CERTIFICATE OBTAINED; PENALTY.) The owner of a motor vehicle who sells or transfers his title to such vehicle shall endorse an assignment

and warranty of title upon the certificate of title for such vehicle, with a statement of all liens or encumbrances thereon, which statement shall be verified under oath by the owner. The owner shall deliver the certificate of title to the purchaser if title passes to the purchaser. If the legal title does not pass to the purchaser under the terms of the contract for sale of the vehicle, the legal title owner shall endorse thereon the amount of his lien, the date thereof and the name of the purchaser, and shall send the certificate of title to the motor vehicle registrar with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the amount and date of the lien of the legal owner, which certificate of title when issued shall be returned by the motor vehicle registrar to the legal title owner, who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to the department, accompanied by a transfer fee of one dollar, and shall make an application for and obtain a new certificate of title for such vehicle. A violation of the provisions of this section shall constitute a misdemeanor.

§ 2. REPEAL.) Section 39-0518 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1951.

CHAPTER 251

S. B. No. 91
(Leno, Haag, Geelan)

PROTECTION OF BLIND OR INCAPACITATED PEDESTRIANS

AN ACT

To protect blind or incapacitated pedestrians; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians, and providing a penalty.

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

§ 1.) No person on any public street or highway, unless such person is totally or partially blind, or is otherwise incapacitated, shall carry in a raised or extended position any cane or walking stick which is white in color, or white tipped with red.

§ 2.) Whenever any pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog, or carrying in a raised or extended position a cane or walking stick which is white in color, or white tipped with red, the driver of every vehicle approaching the intersection, or other place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

§3.) Nothing contained in this Act shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick, or not being guided by a dog, of any of the rights or privileges conferred by law upon pedestrians, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways, or sidewalks of this state, be held to constitute or be evidence of contributory negligence.

§ 4.) Any person violating any of the provisions of this Act, shall be punished by a fine of not to exceed twenty-five dollars.

Approved February 23, 1951.

CHAPTER 252

S. B. No. 46

(Legislative Research Committee)
at the request of
(Motor Vehicle Department)

APPROVAL OF MOTOR VEHICLE LAMPS AND DEVICES BY REGISTRAR

AN ACT

To amend and reenact sections 39-1113, 39-1114 and 39-1115 of the North Dakota Revised Code of 1943 and to repeal sections 39-1110 and 39-1116 of the North Dakota Revised Code of 1943, relating to approval of motor vehicle lamps and devices.

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

§ 1. AMENDMENT.) Section 39-1113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1113. SELLING, OFFERING FOR SALE, OR USING LAMP ON MOTOR VEHICLE PROHIBITED UNLESS APPROVED BY REGISTRAR.)

No person shall sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle upon a highway, any electric head lamp or any auxiliary driving lamp, rear lamp, or signal lamp, unless of a type which complies with the provisions of this chapter and which has been submitted to the registrar and approved by him.

§ 2. AMENDMENT.) Section 39-1114 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1114. DUTY OF REGISTRAR REGARDING LAMPS.) With reference to head lamps, auxiliary driving lamps, rear lamps, and signal lamps, the registrar shall:

1. Adopt and enforce standard specifications as to the amount, color, and direction of light to be emitted by such lamps for compliance with the requirements and limitations set forth in this chapter;
2. Establish procedure which shall be followed when any such lamp is submitted for approval; and
3. Determine whether such lamps submitted to him will comply with the requirements of this chapter and the specifications adopted by him.

§ 3. AMENDMENT.) Section 39-1115 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1115. SUBMITTING LAMP TO REGISTRAR FOR APPROVAL.) Any person, firm, or corporation desiring the approval of a lighting device or lamp for a motor vehicle shall submit to the registrar such device or lamp upon which an approval is desired, together with a fee of twenty-five dollars for each type of head lamp and auxiliary driving lamp and a fee of ten dollars for each type of rear lamp or signal lamp submitted. The registrar may refuse the approval of any device which he determines will be unsafe or impracticable in actual use or which would fail to comply with the provisions of this chapter.

§ 4. REPEAL.) Sections 39-1110 and 39-1116 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 5, 1951.

CHAPTER 253

H. B. No. 611

(Laske, Langseth (Richland), Wollitz, Mollet, Wadeson and Wolf)

MOTOR VEHICLE TURN SIGNALS REQUIRED, WHEN

AN ACT

Requiring new motor vehicles to be equipped with turn signals.

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

§ 1.) On or after January 1, 1952, no person shall sell or offer to sell any new motor vehicle unless it is equipped with turn signals of a type approved by the motor vehicle registrar, under the provisions of title 39, of the North Dakota Revised Code of 1943.

Approved February 24, 1951.

CHAPTER 254

S. B. No. 117

(Olson, Leno, Anderson and Pyle)

WIDTH, HEIGHT AND LENGTH LIMITATIONS OF
MOTOR VEHICLES

AN ACT

To amend and reenact subsections 1, 2 and 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, relating to width, height, and length limitations of motor vehicles.

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

§ 1. AMENDMENT.) Subsections 1, 2 and 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, be and the same is hereby amended and reenacted to read as follows:

39-1204. WIDTH, HEIGHT, AND LENGTH LIMITATIONS ON VEHICLES; EXCEPTIONS.) Vehicles operated on a highway in this state shall not exceed the following width, height, or length limitations:

1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to construction and

building moving contractor's equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, the moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset:

2. A height of twelve feet six inches whether loaded or unloaded:
3. A length, including the load thereon, of thirty-five feet, except buses which when equipped with three axles shall not exceed a length of forty feet. Any bus in excess of thirty-five feet in length must be equipped with drinking water and toilet facilities. No combination of vehicles, including the load thereon, shall exceed a length of forty-five feet, except that construction and building moving contractors moving their own equipment or equipment used by them to move their own equipment may exceed the combined length of forty-five feet, but the same shall not exceed the combined length of sixty feet, except that building movers may exceed the combined length of sixty feet, nor shall the sixty foot length limitation apply to the transportation of empty equipment of building moving contractors. No more than two units shall be used in a combination, and a tractor-truck and a semi-trailer shall be considered as two units. The provisions of this subsection shall not apply to the carriage of equipment of the army or the defense forces of the United States Government, the national guard of this state, nor to vehicles engaged in interstate commerce which do not come into the state of North Dakota a distance greater than twenty miles from the boundary of said state on any given trip and which do not travel on the highways of this state a distance of more than forty miles on said trip; provided, that any person so engaged in interstate commerce, desiring to enter the state for a distance of not to exceed twenty miles as herein provided, shall make application to the North Dakota highway commissioner for a permit so to do, which permit shall be furnished in the discretion of the commissioner and without cost, and shall cover such period of time as the commissioner in his discretion shall determine, nor to structural material of telephone, power and telegraph companies which necessarily must be transported on the highways on account of the location of their lines adjacent to such highways. Other structural material which could not be transported over the highways of this state on account of the provisions of this subsection, upon a showing of reasonable necessity and that the transporting of such structural material will not damage the highways to be used, may be transported upon obtaining a temporary

permit from the commissioner or from any employee designated by the commissioner for such purposes. All axles shall have adequate acting brakes and all tandem axles must be so constructed and installed so that a vertical movement of either axle in an amount of not to exceed 3 inches will not alter the load imposed on the axle by more than 1500 pounds.

Approved March 3, 1951.

CHAPTER 255

S. B. No. 88

(Strand, Krenz, Olson and Torno)

SIZE, HEIGHT AND CONSTRUCTION RESTRICTIONS ON MOTOR VEHICLES; PERIOD JULY 1, 1951 to JULY 1, 1953; PENALTIES

AN ACT

Relating to size, weight, and construction restrictions on motor vehicles; providing standards and conditions for the period between July 1, 1951 and July 1, 1953; and providing for penalties.

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

§ 1.) Any person who shall drive or move, or any owner who shall cause or knowingly permit to be driven or moved, on any highway, any vehicle or vehicles of a weight exceeding the limitations stated in chapter 39-12 of the North Dakota Revised Code of 1943, as amended, after July 1, 1951 and prior to July 1, 1953 shall be guilty of a misdemeanor and shall be punished as follows:

1. A fine of one cent per pound for each pound of excess load over one thousand pounds when the excess is two thousand pounds or less;
2. A fine of two cents per pound for each pound of excess load when the excess exceeds two thousand pounds and is three thousand pounds or less;
3. A fine of four cents per pound for each pound of excess load when the excess exceeds three thousand pounds and is four thousand pounds or less;
4. A fine of six cents per pound for each pound of excess load

- when the excess exceeds four thousand pounds and is five thousand pounds or less; and
5. A fine of ten cents per pound for each pound of excess load when the excess exceeds five thousand pounds or more.

Such fines as are imposed under this section shall not be suspended. The maximum size and weight of vehicles specified in chapter 39-12 of the North Dakota Revised Code of 1943, as amended, and a five percent length tolerance applicable only to the length limitations of subsection 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, shall be lawful throughout this state for the period from July 1, 1951 to July 1, 1953 except as limitations may be imposed by virtue of specifications made pursuant to the other provisions of chapter 39-12 of the North Dakota Revised Code of 1943, as amended. This section shall not be construed to constitute either an amendment or a repeal of the provisions of chapter 39-12 of the North Dakota Revised Code of 1943, as amended, but as authorizing and providing additional standards and conditions for the period between July 1, 1951 and July 1, 1953 and for this period only.

Approved March 8, 1951.

CHAPTER 256

S. B. No. 252
(Delayed Bills Committee)

SUSPENSION OF DRIVER'S LICENSE; EXCEPTIONS AN ACT

To amend and reenact Section 39-1606 of the 1949 Supplement to the North Dakota Revised Code of 1943, also known as Section 6 of Chapter 256 of the Session Laws of 1947, relating to the suspension of driver's license.

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

§ 1. AMENDMENT.) Section 39-1606 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-1606. REQUIREMENTS AS TO SECURITY AND SUSPENSION DO NOT APPLY, WHEN.) The requirements as to security and suspension in section 5 of this Act (39-1605) shall not apply:

1. To the driver or owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such driver or owner;

2. To the driver or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing or parked and whether attended or unattended, except that the requirements of this chapter shall apply in the event the commissioner determines that any such stopping, standing or parking of the vehicle was illegal or that the vehicle was not equipped as required by the laws of this state and that any such violation contributed to the accident;
3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or parked by a person who has been operating such motor vehicle without such permission;
4. If prior to the date that the commissioner would otherwise suspend license or non-resident's operating privilege under section 5 of this Act (39-1605), there shall be filed with the commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.
5. To the driver or the owner of a motor vehicle involved in an accident, unless the person or corporation injured or damage in such accident shall within sixty (60) days after the accident file with the commissioner a notice in writing signifying an intention to make a claim against such owner or driver, because of damages sustained in such accident.

Approved March 9, 1951.

CHAPTER 257

H. B. No. 586
(Legislative Research Committee)

INVESTMENT OF UNSATISFIED JUDGMENT FUND;
APPROPRIATION OF INTEREST; REPAYMENT

AN ACT

To amend and reenact section 39-1702 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the unsatisfied judgment fund, authorizing the investment of moneys in the fund and appropriating interest and repayment to the fund.

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

§ 1. AMENDMENT.) Section 39-1702 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1702. UNSATISFIED JUDGMENT FUND ESTABLISHED; WHEN COLLECTION OF FEE SUSPENDED.) The fees paid pursuant to section 39-1701 shall be deposited with the state treasurer, who shall credit the same to a special fund which shall be known as the "unsatisfied judgment fund". The treasurer, when authorized by the state industrial commission, may invest moneys of the fund in bonds of the United States, bonds of the state of North Dakota or any other state, or certificates of indebtedness of the state of North Dakota, or in bonds or certificates of indebtedness of any political subdivision of the state of North Dakota, which constitute general obligations of the issuing taxing authority or may deposit moneys of the fund upon time certificates of deposit in the Bank of North Dakota. This section shall constitute a continuing appropriation out of the fund of all moneys required for the making of such investments. All income from such investments and all sums received as repayments are hereby appropriated and shall be credited to the fund. If on the 31st day of December in any year the amount of such fund exceeds \$175,000.00, the requirement for the payment of such fee shall be suspended during the succeeding year and until such year in which, on the 1st day of January, the amount of such fund is less than \$100,000.00, when such fee shall be reimposed and collected as provided herein.

Approved March 5, 1951.

CHAPTER 258

H. B. No. 585

(Legislative Research Committee)

RECOVERY FROM UNSATISFIED JUDGMENT FUND WHEN
LIABILITY FOR BODILY INJURY OR DEATH CANNOT
BE DETERMINED

AN ACT

Authorizing recovery from the unsatisfied judgment fund where motor vehicle accidents cause bodily injury or death and the person or persons who might be liable cannot be ascertained.

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

§ 1.) When bodily injury to, or the death of, any person who is a resident of this state is occasioned by or arises out of an accident caused by the operation, maintenance, or use of a motor vehicle in this state and the identity of the person or persons against whom an action might be brought for the recovery of damages for the bodily injury or death resulting from the accident can not be ascertained, any person who would be entitled to bring such action to recover damages may bring an action in the district court of the county in which the accident occurred within six months from the date of the accident against the state unsatisfied judgment fund, by service upon the state highway commissioner, for the recovery of such damages from such fund, provided notice of such accident was given to some police officer immediately after the accident occurred and the name of such officer shall be alleged in the complaint. No payment shall be made from the fund in satisfaction on any judgment obtained in such action in excess of five thousand dollars, exclusive of costs, for bodily injury to, or the death of, any one person, nor in excess of ten thousand dollars for any one accident.

§ 2.) Nothing in this Act shall limit the liabilities or remedies of any person on the cause of action, growing out of the accident for which suit was brought against the fund but the fund shall be subrogated pro tanto to the rights of any person who has obtained judgment under the provisions of this Act, to the extent that the fund has made payment in satisfaction thereof.

Approved March 7, 1951.

CHAPTER 259

H. B. No. 587

(Legislative Research Committee)

NOTICE OF PAYMENT FROM UNSATISFIED JUDGMENT FUND
ON DEFAULT JUDGMENT; ATTORNEY GENERAL
APPEARANCE AND DEFENSE

AN ACT

To amend and reenact section 39-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the unsatisfied judgment fund, requiring notice if payment from the fund is to be based upon a default judgment; and authorizing appearance and defense by the state.

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

§ 1. AMENDMENT.) Section 39-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1704. ATTORNEY GENERAL MAY APPEAR.) The provisions of section 39-1703 shall not apply in the case of any judgment entered by default, unless the state highway commissioner and the attorney general have been given at least thirty days notice prior to the entry of such judgment, to which notice shall be attached a copy of the summons and complaint. Upon receipt of such notice, the attorney general may enter an appearance, file a defense, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defense, and all acts done in accordance therewith shall be deemed to be acts of the defendant. The attorney general may appear and be heard on any application for payment from the fund and may show cause, if any there be, why the order applied for should not be made.

Approved February 8, 1951.