

MOTOR VEHICLES

CHAPTER 237

H. B. No. 540
(Legislative Research Committee)

TRAFFIC REGULATION

AN ACT

Regulating traffic on highways and defining certain crimes in the use and operation of vehicles, providing for traffic signs and signals and defining the power of local and state authorities to enact or enforce ordinances, rules, or regulations in regard to matters embraced within the provisions of this Act and to provide for the enforcement of this Act and to make uniform the law relating to the subject matter of this Act; creating subsections numbered 27 through 59 to section 39-0101, and repealing subsections 6, 15, 16 and 23 of section 39-0101 of the North Dakota Revised Code of 1943 and all sections of chapter 39-10 of the Code and the 1953 Supplement thereto.

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

§ 1. Amendment.) Section 39-0101 of the North Dakota Revised Code of 1943 is hereby amended by creating subsections 27 through 59 thereto, which are enacted to read as follows:

27. "Motor-driven cycle" shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached;
28. "Authorized emergency vehicle" shall mean vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the local authorities;
29. "School bus" shall mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;
30. "Bicycle" shall mean every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter;

31. "Road tractor" shall mean every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
32. "Bus" shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;
33. "Trackless trolley coach" shall mean every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails;
34. "Pole trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections;
35. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
36. "Railroad train" shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
37. "Explosives" shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb;
38. "Flammable liquid" shall mean any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device;
39. "Director" shall mean the director of the division of public safety of this state;

40. "Division" shall mean the division of public safety of this state;
41. "Pedestrian" shall mean any person afoot;
42. "Police officer" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;
43. "Driver" shall mean every person who drives or is in actual physical control of a vehicle;
44. "Street" or "highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
45. "Private road or driveway" shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;
46. "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
47. "Sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;
48. "Laned roadway" shall mean a roadway which is divided into two or more clearly marked lanes for vehicular traffic;
49. "Through highway" shall mean every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Act;
50. "Controlled-access highway" shall mean every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway;
51. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines, or,

if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

52. "Crosswalk" shall mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
53. "Official traffic-control devices" shall mean all signs, signals, markings, and devices not inconsistent with this Act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;
54. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed;
55. "Railroad sign or signal" shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;
56. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel;
57. "Stop", when required, shall mean complete cessation from movement;
58. "Stop", "stopping", or "standing", when prohibited, shall mean any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;

59. "Park", when prohibited, shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

§ 2. Provisions of Act Refer To Vehicles Upon the Highways; Exceptions.) The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of chapter 39-08 of the North Dakota Revised Code of 1943, as amended, relating to reckless driving, driving while intoxicated, aggravated reckless driving, and negligent homicide shall apply upon highways and elsewhere throughout the state.

§ 3. Obedience To Police Officers.) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

§ 4. Authorized Emergency Vehicles.) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

1. The driver of an authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this Act;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the speed limit so long as he does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to an authorized emergency vehicle shall apply only when it is operated upon official business and the driver sounds an audible signal by bell, siren, or exhaust whistle.
3. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

§ 5. Obedience To and Required Traffic-Control Devices.)

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act. No provision of this Act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that signs are required, such statute shall be effective even though no signs are erected or in place.

§ 6. Traffic-Control Signal Legend.) Whenever traffic is controlled by traffic-control signals exhibiting the words "Go", "Caution", or "Stop", or exhibiting different colored lights successively one at a time or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green alone or "Go":
 - a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time signal is exhibited; and
 - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
2. Yellow alone or "Caution" when shown following the green or "Go" signal:
 - a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited; and
 - b. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.
3. Red alone or "Stop":
 - a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone;

- b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
4. Red with green arrow:
 - a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection;
 - b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
5. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

§ 7. Pedestrian Control Signals.) Whenever special pedestrian control-signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place such signals shall indicate as follows:

1. "Walk": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles; and
2. "Wait" or "Don't Walk": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

§ 8. Flashing Signals.) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red stop signal: When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;

2. Flashing yellow caution signal: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution; and
3. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 42 of this Act.

§ 9. Drive On Right Side of Roadway; Exceptions.)

1. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - b. When the right half of a roadway is closed to traffic while under construction or repair;
 - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - d. Upon a roadway designated and signposted for one-way traffic.
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

§ 10. Passing Vehicles Proceeding In Opposite Directions.)

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

§ 11. Use of Multiple-Beam Road-Lighting Equipment.)

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 39-1101 of the North Dakota Revised Code of 1943, as amended, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam, specified in section 39-1103 of the North Dakota Revised Code of 1943 shall be deemed to avoid glare at all times, regardless of road contour and loading.
2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 39-1103.

§ 12. Overtaking a Vehicle On the Left.) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When not within a business or residence district, the driver of an overtaking vehicle shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction; and
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§ 13. When Overtaking On The Right Is Permitted.)

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - a. When the vehicle overtaken is making or about to make a left turn;
 - b. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or
 - c. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement,

where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

§ 14. Limitations On Overtaking On The Left.) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

§ 15. Further Limitations On Driving To Left of Center of Roadway.)

1. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 - a. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - b. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;
 - c. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.
2. The foregoing limitations shall not apply upon a one-way roadway.

§ 16. No-Passing Zones.) The state highway commissioner is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

§ 17. One-Way Roadways and Rotary Traffic Islands.)

1. The state highway commissioner may designate any highway or any separate roadway under his jurisdic-

tion for one-way traffic and shall erect appropriate signs giving notice thereof;

2. Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated; and
3. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

§ 18. Driving On Roadways Laned For Traffic.) Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
2. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; and
3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

§ 19. Following Too Closely.)

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway;
2. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave at least four hundred feet space between vehicles, and in any event sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle; and

3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

§ 20. Driving On Divided Highways.) Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

§ 21. Restricted Access.) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

§ 22. Restrictions On Use of Controlled-Access Roadway.) The state highway commissioner may by order, and local authorities may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by pedestrians, bicycles, or other non-motorized traffic or by any person operating a motor-driven cycle.

The state highway commissioner or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

§ 23. Vehicle Approaching Or Entering Intersection.)

1. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway;
2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right; and
3. The right of way rules declared in subsections 1 and 2 of this section are modified at through highways and otherwise as hereinafter stated in this Act.

4. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he otherwise might have under the provisions of this Act.

§ 24. Vehicle Turning Left At Intersection.) The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this Act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn.

§ 25. Vehicle Entering Through Highway Or Stop Intersection.)

1. The driver of a vehicle shall stop as required by section 45 of this Act at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right of way to the vehicle so proceeding into or across the through highway; and
2. The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

§ 26. Vehicle Entering Highway From Private Road Or Driveway.) The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

§ 27. Operation of Vehicles On Approach of Authorized Emergency Vehicles.)

1. Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bell, siren, or exhaust whistle the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the

right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer; and

2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

§ 28. Pedestrians Subject To Traffic Regulations.) Pedestrians shall be subject to traffic-control signals at intersections as provided in section 6 of this Act unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Act.

§ 29. Pedestrians' Right of Way In Crosswalks.)

1. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger;
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield;
3. Subsection 1 of this section shall not apply under the conditions stated in subsection 2 of section 30 of this Act; and
4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§ 30. Crossing At Other Than Crosswalks.)

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway;
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway; and

3. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

§ 31. Drivers To Exercise Due Care.) Notwithstanding the foregoing provisions of this Act every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

§ 32. Protection of Blind Or Incapacitated Pedestrians.) 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.

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.

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.

Any person violating any of the provisions of this section shall be punished by a fine of not to exceed twenty-five dollars.

§ 33. Pedestrians To Use Right Half of Crosswalks.) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

§ 34. Pedestrians On Roadways.)

1. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway; and
2. Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable,

walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

§ 35. Pedestrians Soliciting Rides Or Business.)

1. No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle; and
2. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 36. Required Position and Method of Turning At Intersections.) The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;
3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered; and
4. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section

be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

§ 37. Turning On Curve Or Crest of Grade Prohibited.) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

§ 38. Starting Parked Vehicles.) No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

§ 39. Turning Movements and Required Signals.)

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 36 of this Act, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement;
2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning; and
3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

§ 40. Signals By Hand and Arm Or Signal Device.)

1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, except as otherwise provided in subsection 2 of this section; and
2. In addition to the requirements of section 39-11101 of the 1953 Supplement to the North Dakota Revised Code of 1943, any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by,

a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

§ 41. Method of Giving Hand-and-Arm Signals.) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn: hand and arm extended horizontally;
2. Right turn: hand and arm extended upward;
3. Stop or decrease speed: hand and arm extended downward.

§ 42. Obedience To Signal Indicating Approach of Train.)

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - c. A railroad train approaching within approximately one thousand three hundred and twenty feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. No person shall drive any vehicle past any human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

§ 43. All Vehicles Must Stop At Certain Railroad Grade Crossings.) The state highway department and local authorities are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

§ 44. Certain Vehicles Must Stop At All Railroad Grade Crossings.)

1. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks;
2. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed; and
3. This section shall not apply at street-railway grade crossings within a business or residence district.

§ 45. Vehicles Must Stop At Stop Signs.) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

§ 46. Emerging From Alley, Driveway, Or Building.) The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto

the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

§ 47. Overtaking and Passing School Bus.) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the driver to proceed. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

This section shall be applicable only in the event that the school bus shall bear the words "SCHOOL BUS" printed in letters at least four inches high on both the front and rear of the body, or on a sign attached thereto.

§ 48. Stopping, Standing, Or Parking Outside of Business Or Residence Districts.) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway of not less than twelve feet opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

§ 49. Officers Authorized To Remove Illegally Stopped Vehicles.)

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 48 of this Act such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

2. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

§ 50. Stopping, Standing, Or Parking Prohibited In Specified Places.) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within ten feet of a fire hydrant;
5. On a crosswalk;
6. Within ten feet of a crosswalk at an intersection;
7. Within fifteen feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within fifteen feet of points on the curb immediately opposite the ends of a safety zone, unless the state highway department or local authority indicates a different length by signs or markings;
9. Within fifteen feet of the nearest rail of a railroad crossing;
10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
14. At any place where official signs prohibit stopping.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

§ 51. Additional Parking Regulations.)

1. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.
2. Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.
3. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway without first obtaining the written authorization of the state highway commissioner.
4. The state highway department with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

§ 52. Unattended Motor Vehicle.) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

§ 53. Limitations On Backing.) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

§ 54. Riding On Motorcycles.) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat attached firmly behind or beside the operator.

§ 55. Obstruction To Driver's View Or Driving Mechanism.)

1. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the

driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

§ 56. Driving On Mountain Highways.) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

§ 57. Coasting Prohibited.)

1. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.
2. The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

§ 58. Following Fire Apparatus Prohibited.) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

§ 59. Crossing Fire Hose.) No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

§ 60. Garbage, Glass, Etc., On Highways Prohibited.)

1. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle, or throw or deposit rubbish of any kind upon the highway;
2. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed; and

3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§ 61. Riding On Bicycles.) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, and no bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

§ 62. Clinging To Vehicles.) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

§ 63. Riding On Roadways and Bicycle Paths.)

1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
2. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
3. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

§ 64. Carrying Articles.) No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

§ 65. Driving Through Safety Zone Prohibited.) No vehicle shall at any time be driven through, over, or within a safety zone.

§ 66. Construction.) This Act shall be construed as being a part of title 39, and sections 2 through 65 hereof shall be construed as replacing chapter 39-10 of the North Dakota Revised Code of 1943, as amended.

§ 67. Repeal.) Subsections 6, 15, 16, and 23 of section 39-0101, and sections 39-1001 through 39-1026, inclusive, of the North Dakota Revised Code of 1943, as amended, and sections 39-1027 and 39-1028 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 8, 1955.

CHAPTER 238

H. B. No. 584
(Hegge and Dunlop)

IDENTIFICATION OF STATE VEHICLES

AN ACT

To amend and reenact section 39-0102 of the 1953 Supplement to the North Dakota Revised Code of 1943, to remove the requirement for printing the license number on the side of state-owned motor vehicles, and declaring an emergency.

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

§ 1. **Amendment.**) Section 39-0102 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0102. State-Owned Motor Vehicles To Have Name Painted On Side of Vehicles; Penalty For Failure.) All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry shall have painted on each front door the following words: NORTH DAKOTA, in letters four inches in height, two and one-half inches directly below such words shall be printed in letters one and one-half inches in height the name of the department, institution or industry of the state owning or operating such motor vehicle, and three and one-half inches directly below such words shall be printed the license number of the car in numerals four inches in height. Provided further, that the use of suitable decal type numerals shall be permitted. The above requirements shall not apply to cars owned and operated by the state highway patrol or cars used principally in institutional, juvenile, parole and placement service; or to any truck owned by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

§ 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 1, 1955.

CHAPTER 239

H. B. No. 546

(Legislative Research Committee)

HIGHWAY PATROL; RADAR EVIDENCE; TRAFFIC TICKET

AN ACT

Relating to the state highway patrol and giving the superintendent authority to take summary disciplinary action against members of the patrol in certain cases for inefficiency, misconduct or insubordination, but with right of appeal in certain cases to a disciplinary board of review; removing the limitation on number of patrolmen; lowering the entry age limit; authorizing the superintendent to reorganize the patrol, designate ranks and establish promotional procedures; providing for the admissibility and relating to the use of evidence by electrical devices in speed violations; establishing a uniform traffic summons and complaint; and amending and reenacting section 39-0303 and subsection 1 of section 39-0304 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Additional Powers of Superintendent.) In addition to his powers as a member of the highway patrol, the superintendent of the patrol shall have the following powers as administrative head of the patrol:

1. He may organize the patrol into such divisions, bureaus, and districts as he deems necessary;
2. He may designate ranks for various positions lower than assistant superintendent, fix salaries with appropriate allowances for those ranks, and establish promotional procedures;
3. He may take reasonable disciplinary action against members of the patrol for inefficiency, misconduct, insubordination, or violation of an established rule or regulation, whenever he deems such actions necessary, provided that:
 - a. Where demotion in rank is summarily ordered against a member of the patrol as a disciplinary measure, to be limited to a one grade reduction in rank, such order shall be appealable to the highway patrol hearing board;
 - b. Where a reduction in pay of a member of the patrol is summarily ordered as a disciplinary measure, it shall be limited to one year's duration, and such order shall be appealable to the highway patrol hearing board;

- c. Suspension of pay for a member of the patrol for a period not exceeding seven days may be summarily ordered as a disciplinary measure, but an order for suspension of pay for a longer period shall be appealable to the highway patrol hearing board; and
- d. Such suspension of pay for a member of the patrol may be summarily ordered not more than twice in one year as separate disciplinary measures, except that further suspensions shall be appealable to the state highway patrol hearing board.

§ 2. Disciplinary Board of Review.) The state highway patrol hearing board organized by law for removal of patrolmen shall also be the board of review for disciplinary action taken by the superintendent. Any patrolman aggrieved by a disciplinary measure ordered against him by the superintendent may appeal such order to the board, except where summary authority is granted to the superintendent under this Act. The board may establish procedures for such appeals, and upon hearing, may investigate the entire patrol record of the appellee, including prior disciplinary orders, and thereupon make an appropriate ruling and order in the proceedings.

§ 3. Uniform Traffic Summons and Complaint.) The North Dakota supreme court shall establish by court rule for the use of a uniform complaint and summons form to be used in cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles.

§ 4. Radar Evidence In Speed Violations.) The speed of any motor vehicle may be checked by the use of radiomicro waves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue. The driver of any such motor vehicle may be arrested without a warrant under this section, provided the arresting officer is in uniform or displays his badge of authority; provided that such officer has observed the record of the speed of such motor vehicle by the radiomicro waves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle recorded by the radiomicro waves or other electrical device. Nothing herein shall affect the powers of cities or towns to adopt and use such device to measure speed.

§ 5. Amendment.) Section 39-0303 of the 1953 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 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 and 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.

§ 6. Amendment.) Subsection 1 of section 39-0304 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0304. Qualifications of Patrolmen; Veterans Have Preference.) No person shall be appointed as a patrolman unless he has the following qualifications:

1. Is not less than twenty-three and not more than forty years of age on the date of his appointment;

Approved March 3, 1955.

CHAPTER 240

S. B. No. 204

(Meidinger, Welander, Hernet, Duffy)

PATROLMEN'S RETIREMENT—AVERAGE SALARY

AN ACT

To amend and reenact subsection 7 of section 39-03A01 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to highway patrolmen's retirement system.

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

§ 1. Amendment.) Subsection 7 of section 39-03A01 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. "Average monthly salary", the amount which will be produced by dividing the total compensation, but not including compensation in excess of three hundred dollars in any month, before deductions, received by the contributor during the last ten years of his service, by the total number of months of active service served by him, during such ten year period, or, if the contributor

has not served a month of active service, then the amount of the contributors beginning salary, not exceeding three hundred dollars.

§ 2. Retroactive Effect.) Retirement, disability and death payments shall henceforth be computed in accordance with this Act whether the retirement, disability, or death occurred prior to or subsequent to its passage.

Approved March 3, 1955.

CHAPTER 241

H. B. No. 775
(Solberg, Dunlop)

LICENSE PLATE SLOGAN "PEACE GARDEN STATE"

AN ACT

To amend and reenact section 39-0411 of the North Dakota Revised Code of 1943, relating to motor vehicle license plates.

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

§ 1. Amendment.) Section 39-0411 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0411. Number Plates Furnished By Department.) The department shall furnish to every owner one number plate for each motorcycle registered and one number plate for every other motor vehicle. The slogan "Peace Garden State" shall appear on each plate for a motor vehicle other than a motorcycle.

Approved March 11, 1955.

CHAPTER 242

H. B. No. 812
(Roen and Anderson of Richland)

REGISTRATION EXEMPTIONS—RECIPROCITY

AN ACT

To amend and reenact section 39-0421 of the 1953 Supplement to the North Dakota Revised Code of 1943, and to repeal sections 39-0447 and 39-0448 of the North Dakota Revised Code of 1943, relating to exemptions from registration and reciprocal use of highways, and declaring an emergency.

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

§ 1. **Amendment.**) Section 39-0421 of the 1953 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.) Every motor vehicle not specifically exempt by law, shall be registered in this state before being operated upon any highway in this state, except that:

1. All motor vehicles owned and operated by this state or by any of its subdivisions or by Indian mission schools 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;
2. Any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered in any state of the United States, the District of Columbia or any foreign province, may be operated under reciprocity upon the highways of North Dakota only when a reciprocal agreement has been entered into between the state highway commissioner and the duly authorized officer of the state, district or province in which such vehicle is registered. The commissioner shall not enter into any reciprocal agreement with any state, district or province unless:
 - a. Such agreement assures that vehicles registered under the laws of the state of North Dakota shall have as great or greater privileges and exemptions while operating upon the highways of such state, district

or province as is granted to foreign vehicles by the provisions of such agreement or by any provision of North Dakota law;

- b. Such agreement requires that any vehicle operated under the provisions of such agreement carry and display all license number plates or like insignia required by the laws of the state, district or province in which such vehicle is registered; and
- c. Such agreement provides that any vehicle found to be operating upon the highways of this state in violation of any of the provisions of such agreement or law of this state, shall be required to be registered and licensed in the same manner as are resident motor vehicles and shall surrender any other benefits which may be granted him by the agreement.

The commissioner may require, when he finds that the mileage of travel by North Dakota vehicles in a foreign state, district or province is materially less than the mileage of travel by vehicles registered in such state, district or province upon the highways of this state, that such agreement provide that fleets of trucks domiciled in each be required to license proportionately to the mileage traveled in each.

§ 2. Repeal.) Sections 39-0447 and 39-0448 of the North Dakota Revised Code of 1943 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 its passage and approval.

Approved March 10, 1955.

CHAPTER 243

S. B. No. 65
(Leier and Duffy)

TRUCK REGISTRATION; CONSTRUCTION CONTRACTS

AN ACT

To require all persons having construction contracts with the state of North Dakota or any of its political subdivisions, to file a statement with the motor vehicle registrar if he is using trucks not registered in this state, and providing a penalty.

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

§ 1.) Every person, firm or corporation holding a construction contract with the state of North Dakota or any of its political subdivisions, who hires, uses, or procures the use of trucks which are not registered in this state, shall file a statement with the motor vehicle registrar, identifying each such truck by description and motor number and disclosing the date such truck was first used in this state and the purpose and extent of such use. Any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor and subject to a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

Approved February 26, 1955.

CHAPTER 244

H. B. No. 535
(Legislative Research Committee)

MOTOR VEHICLE REGISTRATION FEES, TON FEES, AND
BUS SEAT TAX FEES

AN ACT

To amend and reenact section 39-0422, 39-0424 and subsections 2 and 3 of section 39-04A04 of the 1953 Supplement to the North Dakota Revised Code of 1943; and sections 39-0451 and 39-0467 of the North Dakota Revised Code of 1943 relating to motor vehicle registration fees, ton fees, and bus seat tax fees.

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

§ 1. Amendment.) Section 39-0422 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0422. Fees 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, and 3rd yrs.	4th, 5th and 6th yrs.	7th, 8th and 9th yrs.	10th and Sub- sequent yrs.
2399 or less	\$ 16.50	\$ 13.25	\$ 10.00	\$ 6.75
2400-2799	22.00	17.75	13.25	9.00
2800-3199	27.50	22.00	16.50	11.00
3200-3599	33.00	26.50	20.00	13.25
3600-3999	38.50	33.00	23.25	15.50
4000-4499	49.50	39.75	30.00	20.00
4500-4999	66.00	53.00	39.75	26.50
5000-5999	93.50	75.00	56.25	37.50
6000-6999	121.00	97.00	72.75	48.50
7000-7999	148.50	119.00	89.25	59.50
8000-8999	176.00	141.00	105.75	70.50
9000 and over	203.50	163.00	122.25	81.50

§ 2. Amendment.) Section 39-0424 of the 1953 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:

Years Registered

Gross Weights	1st, 2nd Years	3rd, 4th Years	5th, 6th Years	7th and Subsequent yrs.
4,000	\$15.75	\$12.75	\$ 9.50	\$ 4.25
6,000	21.00	17.00	12.75	6.50
8,000	26.25	21.00	15.75	8.50
10,000	31.50	25.25	19.00	10.50
12,000	36.75	29.50	22.75	12.75
14,000	42.00	33.75	25.25	14.75
16,000	47.25	38.00	28.50	17.00
18,000	52.50	42.00	31.50	19.00
20,000	57.75	46.25	34.75	21.00
22,000	63.00	50.50	38.00	23.25
24,000	68.25	54.75	41.00	25.25

Years Registered

Weight	1st, 2nd, and 3rd yrs.	4th, 5th and 6th yrs.	7th and Subsequent years
26,000—			
30,000	\$ 105.00	\$ 95.00	\$ 79.00
32,000—			
36,000	210.00	184.00	158.00
38,000—			
44,000	420.00	368.00	315.00
46,000—			
54,000	735.00	683.00	630.00
57,000	867.00	814.00	762.00
60,000	998.00	945.00	893.00
63,000	1,130.00	1,076.00	1,024.00

School buses used in the transportation of school children, other than those buses eligible for an official registration, shall be registered under this truck schedule at double the unloaded weight and shall not be required to pay any other annual fees.

§ 3. Amendment.) Subsections 2 and 3 of section 39-04A04 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

2. Motor vehicles licensed for a gross weight of twelve thousand pounds or more, and including twenty-four thousand pounds, four dollars for each two thousand pounds of registered gross weight;

3. Motor vehicles licensed for a gross weight in excess of twenty-four thousand pounds, six dollars and seventy-five cents for each two thousand pounds of registered gross weight;

§ 4. Amendment.) Section 39-0451 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0451. Bus Seat Tax To Be Paid For Vehicles Transporting Passenger For Hire.) In addition to the fees required by section 39-0422 and section 49-1832, any vehicle used as a motor bus in the transportation of persons for hire over the highways of this state, which has a seating capacity of more than seven passengers shall pay an annual additional license fee of eight dollars and fifty cents for each passenger capacity in excess of seven. The registrar shall designate a distinctive number and plate for such vehicle. Motor passenger buses operating exclusively within the corporate limits of any village or city shall not be required to pay this fee.

§ 5. Amendment.) Section 39-0467 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0467. Distribution of Registration Fees Collected.) Any moneys in the registration fund accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, shall be transferred quarterly and credited by the state treasurer, as follows:

1. First, nine percent of all fees collected pursuant to section 39-0422 of the North Dakota Revised Code of 1943, as amended, and four and one-half percent of all fees collected pursuant to section 39-0424 of the North Dakota Revised Code of 1943, as amended, shall be transferred to the state highway department for construction and reconstruction of roads on the secondary state highway system, and the balance of such fees shall be transferred in accordance with subsections 2 and 3 of this section;
2. Fifty percent to the state highway department; and
3. Fifty percent to the counties of this state.

Approved March 10, 1955.

CHAPTER 245

H. B. No. 742
(Goebel and Ettestad)

CREDITS ON DESTROYED VEHICLES

AN ACT

Providing for credit of fees or taxes upon destruction of licensed or taxed motor vehicles.

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

§ 1.) Any owner of a motor vehicle licensed or taxed in this state, if such vehicle is permanently destroyed, may deduct from any license fee or tax thereafter due from such owner during the same year upon another motor vehicle an amount equal to the unused portion of the fee or tax paid upon the vehicle so destroyed, computed pro rata by the month, one-twelfth of the annual fee or tax paid for each month of the year remaining after the month in which such vehicle was so destroyed.

Approved March 11, 1955.

CHAPTER 246

S. B. No. 205
(Schmit, Page, Kieley,
Livingston and Sayer)

BUILDING MOVER'S; TAX EXEMPTION

AN ACT

To exempt truck-tractors used only for moving buildings from the payment of registration, gross ton, or truck mile taxes or fees and to provide for an annual house mover's motor vehicle license and to provide a penalty and declaring an emergency.

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

§ 1.) Upon satisfactory proof that:

1. The owner or operator of such vehicle is the holder of a valid building mover's permit issued by the public service commission; and
2. A truck-tractor and trailer is to be used only for moving buildings, building moving equipment and other bulky objects; and

3. Upon payment of a fee of fifty dollars for each single axle truck-tractor unit and a fee of seventy-five dollars for each tandem axle truck-tractor unit, the motor vehicle registrar may issue an annual house mover's motor vehicle license to any such truck-tractor unit, which license shall be in lieu of all other registration, gross ton, or truck mile taxes or fees for such registration year.

§ 2.) Any vehicle which has been issued a house mover's motor vehicle license may be registered under the regular motor vehicle registration law, by payment of the difference between the amount paid for the house mover's motor vehicle license and the regular registration fee for such vehicle and surrendering of such house mover's motor vehicle license.

§ 3.) Any vehicle which has been issued a house mover's motor vehicle license and is found being operated upon the highways of this state without being equipped with special house moving equipment, shall forfeit the fee paid and in addition, shall be required to register under the regular motor vehicle registration law of this state. None of the above limitations shall be construed as restricting the operation of the special licensed vehicle when such operation would not require a greater fee than that paid for this operation.

§ 4. **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 5, 1955.

CHAPTER 247

H. B. No. 682
(Transportation Committee)

DRIVEAWAY TRANSPORTERS—REGISTRATION

AN ACT

Relating to the registration of driveaway transporters of vehicles, providing for in-transit plates and fees, providing penalties, and declaring an emergency.

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

§ 1.) Every person, firm, partnership, or corporation regularly and lawfully engaged in the transportation of vehicles over the highways of this state from a manufacturing or

assembly point or from the owner to agents of manufacturers or dealers or other persons by the driveaway or towaway methods, where such vehicles being driven, towed, or transported by the saddlemount, towbar, or fullmount methods or any lawful combination thereof will be transported over the highways of this state, shall annually apply to the motor vehicle department of this state for a registration certificate and license to so use the highways of this state. The applicant shall also apply to the department for a sufficient number of distinctive in-transit plates or devices showing the certificate number for identification of the vehicles being transported by the certificate-holder, and such in-transit plates or devices shall be used on any vehicle being driven, towed, or transported by and under the control of the certificate-holder.

§ 2.) The certificate and in-transit plates or devices shall expire on the thirty-first day of December of each year.

§ 3.) Each vehicle or combination of vehicles transported by the license-holder shall display in a prominent position thereon the distinctive in-transit plates or devices, the driven or towing vehicle displaying such on the front thereof and a towed or drawn vehicle on the rear.

§ 4.) This Act shall not apply to vehicles regularly used in the hauling of vehicles by the truckaway method nor to vehicles so transported, vehicles operated under dealers or manufacturers plates, vehicles registerable under any other provisions of law, nor to any person not issued a license hereunder.

§ 5.) The fee for a transporter's certificate and license shall be fifty dollars, and the fee for each in-transit plate or device shall be fifteen dollars.

§ 6.) The department is empowered to require submission of any information or data as may be pertinent, in its discretion, to administer this Act, and it shall not issue any certificate or in-transit plates or devices unless it has received payment in full thereof.

§ 7.) If any certificate-holder or transporter refuses to make and file with the department the application provided for in this Act, or has caused or permitted or is permitting the unlawful use of his certificate or plates or devices, such person shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than twenty-five dollars and not more than one hundred dollars, and upon the third such offense he may, in addition to the fines, forfeit his current certificate and in-transit plates or devices and shall forthwith return the same to the department, and the use thereafter

shall be unlawful and deemed a misdemeanor and upon conviction thereof such person shall be fined a sum of not less than one hundred dollars nor more than five hundred dollars.

§ 8.) The fees provided for in this Act are in lieu of all other fees, and are declared to be consideration for the right to use the highways of the state of North Dakota.

§ 9.) Persons not complying with this Act shall comply with any other applicable motor vehicle law of this state.

§ 10. **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 11, 1955.

CHAPTER 248

H. B. No. 598
(Brown)

NONRESIDENT VEHICLE REGISTRATION

AN ACT

To amend and reenact section 39-0446 of the North Dakota Revised Code of 1943, relating to registration of motor vehicles in this state by non-residents, and declaring an emergency.

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

§ 1. **Amendment.)** Section 39-0446 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0446. Nonresidents Not Required To Register In This State Unless Present More Than Thirty Days.) Except as otherwise provided in this chapter, a nonresident owner of any foreign vehicle which has been duly registered for the current calendar year in the state, country, or other place of which the owner is a resident and which, at all times when operated in this state, has displayed upon it the number plate or plates issued for such vehicle and legally required in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering the said vehicle or paying fees therefor to this state, for a total period of not longer than thirty days in any one registration year, if under the law of the state of the residence of such

owner, as great or greater privileges are granted to vehicles duly registered under the laws and owned by residents of this state. Upon becoming gainfully employed in this state, any owner of such vehicle shall immediately license the vehicle irrespective of the aforementioned thirty day period. However, should such a nonresident permanently leave this state prior to the end of the first calendar year for which he has licensed a vehicle, such nonresident may apply for a pro rata refund upon such motor vehicle license for the remaining portion of the calendar year as determined by the number of full months remaining in that year. The motor vehicle registrar shall retain the sum of three dollars from any refunds due to cover costs of administration involved and for payment of the number plates issued. Prior to allowing such refund, the number plates must be surrendered to the motor vehicle registrar. Notwithstanding the provisions of this section, nonresident owners of motor trucks hauling agricultural equipment for the purpose of harvesting grain or other agricultural products, and entering the state for the harvest season and whose resident state has no reciprocal agreement with North Dakota to the contrary, shall immediately obtain a ninety-day permit therefor to be issued at the discretion of the motor vehicle registrar. The fee for this permit shall be twenty-five dollars, and payment of such fee shall be in lieu of other vehicle registration fees provided by law. This permit shall allow the holder to move the agricultural products harvested by said permit holder in intrastate commerce. The owner's copy of this permit shall be displayed at all times upon the lower right side of the truck windshield.

§ 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 10, 1955.

CHAPTER 249

S. B. No. 50
(Duffy and Leier)

VEHICLE FEE TRANSPORTING PROPERTY—EXCEPTION

AN ACT

To amend and reenact subsection 1 of section 39-04A06 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to exceptions to the additional fee for motor vehicles engaged in the transportation of property.

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

§ 1. Amendment.) Subsection 1 of section 39-04A06 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. To the transportation of property between farms and the usual local trading places, between farms locally, or to the transportation of farm equipment owned by a bona fide resident farmer of this state when such farm equipment is transported in vehicles owned by such resident farmer;

Approved March 3, 1955.

CHAPTER 250

H. B. No. 610
(Saumur and Wolf)

LICENSING AND BONDING OF MOBILE HOME DEALERS

AN ACT

To provide for the licensing and bonding of mobile home dealers; to provide for the licensing of mobile homes; to provide for safety devices and regulations in the operation of mobile homes; to provide for the size of mobile homes; to provide for the suspension and revocation of dealer's licenses and for penalties; and repealing all Acts in conflict herewith.

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

§ 1. Mobile Dealers' Licenses; Fees; Dealers' Plates.) No person, firm or corporation shall sell or distribute mobile

homes within the state of North Dakota unless he shall first have been licensed so to do by the motor vehicle department as herein provided.

Application for dealer's license and renewal license shall be made to the motor vehicle department, on such forms as the department shall prescribe and furnish, and such application shall be accompanied by an annual fee of twenty-five dollars. Such dealer's license shall expire on December 31st of each year, and application for renewal of such dealer's license shall be made on or before the expiration of the current dealer's license.

A mobile home dealer's license shall be issued only to persons whose character, fitness and financial ability, in the opinion of the motor vehicle registrar, are such as to justify the belief that such applicant can and will deal and serve the buying public fairly and honestly, will maintain a permanent office and place of business, and an adequate service department, during the licensing year, and will abide by all the provisions of law pertaining to mobile home dealers, and will obey the lawful orders of the motor vehicle registrar.

Upon the payment of a fee of five dollars, the motor vehicle department shall register and issue dealer's license plates for mobile homes owned by the licensed dealer, and such mobile homes bearing such dealer's license plates may be lawfully operated upon the public highways of the state of North Dakota by such dealer, his agents and servants, during the year of such registration. Such dealer's license plates shall expire on December 31st of each year.

§ 2. Bond Required.) Before the issuance of a mobile home dealer's license, as provided by law, the applicant for such license shall furnish a surety bond executed by the applicant as principal and executed by a surety company licensed and qualified to do business within the state of North Dakota, which bond shall run to the state of North Dakota, be in the amount of five thousand dollars, and be conditioned upon the faithful compliance by the said applicant as a dealer, if such license be issued to it or him, that such dealer will comply with all of the laws of the state of North Dakota pertaining to such business, and regulating or being applicable to the business of said dealer as a dealer in mobile homes, and indemnifying any person dealing or transacting business with such dealer in connection with any mobile home from any loss or damage occasioned by the failure of such dealer to comply with the provisions of the laws of the state of North Dakota, including, but not limited to, the furnishing of a proper and valid certificate of title to the mobile home involved in any

such transaction, and that such bond shall be filed with the registrar of motor vehicles prior to the issuance of the license herein provided for. Provided, however, that the aggregate liability of the surety to all such persons for all such losses or damages shall, in no event, exceed the amount of such bond.

§ 3. Licensing of Mobile Homes.) No person shall haul a mobile home upon the highways of the state of North Dakota unless such mobile home shall first be registered with and titled by the motor vehicle department, and a certificate of title has been issued for such mobile home, and it displays a number plate issued by and under such regulations as the registrar of motor vehicles may prescribe. The fee for such licensing shall be fifty cents for each foot in length of the same mobile home. If such mobile home enters the state carrying the current number plate of another state, no number plate shall be required by the state of North Dakota for a period of thirty days.

If such mobile home remains stationary or parked within the state of North Dakota for a period of one year, no mobile home license shall be required for that year; provided that nothing in this Act shall permit the use of a dealer's tag on such mobile home after the said mobile home has been sold by the dealer to whom such tag was issued.

Provided further that if application for such mobile home license shall be made, and such mobile home be moved upon the highways of the state of North Dakota, after July 1st of any year, such license fee shall be the sum of twenty-five cents for each foot in length of such mobile home.

§ 4. Safety Devices and Requirements.) On and after January 1, 1956, any new mobile home sold in the state of North Dakota and licensed under the provisions of this Act shall be equipped with combination tail light and stop light controlled and operated from the driver's seat of the propelling vehicle; such mobile home shall further be equipped with brakes approved by the motor vehicle department of the state of North Dakota, designed and capable of bringing to a stop such vehicle and mobile home within a distance of fifty feet when operated at a speed of twenty miles per hour. No person shall drive any mobile home on the highways of this state unless the propelling vehicle shall be able to stop within the distance and in the manner prescribed herein.

On and after January 1, 1956 any new mobile home sold in the state of North Dakota and licensed under the provisions of this Act shall be equipped with a hitch or coupler which will comply with the regulations as established by the interstate commerce commission.

Provided further that no person or persons shall ride in such mobile home while it is being moved upon the highways of this state.

§ 5. Width, Length and Height of Mobile Homes, Operated In the State of North Dakota.) It shall be unlawful for any person to operate or tow a mobile home upon the highways of the state of North Dakota, the length of which mobile home shall be over fifty feet, or which shall have a body width of over eight feet, and a height of over twelve and one-half feet. Provided, however, that the limitations as to width, length and height of mobile homes herein provided for, shall not apply to mobile homes which are now in use in North Dakota which exceed these limitations and which have heretofore been licensed by the state of North Dakota.

§ 6. Suspension Or Revocation of Dealers' Licenses.) The motor vehicle department of the state of North Dakota may suspend or revoke any dealer's license for failure of the licensee to comply with any of the laws of the state of North Dakota governing mobile home dealers, or for failure to comply with the reasonable rules and regulations of the motor vehicle department set up under the Administrative Practices Act of the state of North Dakota, but no order suspending or revoking a dealer's license shall be made before a hearing at which the licensee shall be given an opportunity to be heard.

§ 7. Penalties.) Any person who shall violate the provisions of this Act shall be fined not less than twenty-five dollars, or more than one hundred dollars, for each offense.

§ 8. Repeal.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 251

H. B. No. 541
(Legislative Research Committee)

DRIVER LICENSES

AN ACT

To provide for issuance, expiration, renewal, cancellation, suspension and revocation of vehicle operators' licenses, providing penalties for violations thereof, and repealing all sections of chapter 39-06 of the North Dakota Revised Code of 1943 except section 39-0615, and all sections of chapter 39-06 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Operators Must Be Licensed.) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur under the provisions of this Act.

Any person licensed as an operator hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

§ 2. What Persons Are Exempt From License.) The following persons are exempt from license hereunder:

1. Any employee of the United States government while operating a motor vehicle owned by or leased to that government and being operated on official business;
2. A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operator's license issued to him in his home state or country, may operate a motor vehicle in this state for a period of not more than ninety days in any calendar year without making an application for or obtaining an operator's license of this state. After such ninety-day period it shall be unlawful for any such nonresident to operate a motor vehicle within North Dakota without a North Dakota license; and
3. A nonresident who is at least sixteen years of age, whose home state or country does not require the licens-

ing of operators, may operate a motor vehicle within this state for a period of not more than thirty days in any calendar year without making an application for or obtaining an operator's license of this state, provided however, that he shall have in his possession while driving in this state an official certificate showing the lawful registry of the motor vehicle and be able to prove his lawful possession or the right to operate such vehicle and to establish his identity.

§ 3. What Persons Shall Not Be Licensed.) The commissioner shall not issue any license hereunder:

1. To any person who is under the age of sixteen years, except that the commissioner may issue a restricted permit or license as hereinafter provided in sections 5 and 16 of this Act to any person who is less than sixteen years of age;
2. To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in sections 34 and 35 of this Act;
3. To any person who is an habitual drunkard, or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;
4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;
5. To any person who is required by this Act to take an examination, unless such person shall have successfully passed such examination;
6. To any person who is required under the laws of this state to deposit security or file proof of financial responsibility and who has not deposited such security or filed such proof;
7. To any person when the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways;
8. To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

9. To any person who has been convicted three times of a misdemeanor under the provisions of this Act or the laws of this state relating to highways, within any two-year period.

§ 4. Instruction Permit.) Any person may apply to the commissioner for an instruction permit. The commissioner may in his discretion issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of ninety days when accompanied by a licensed operator who has had at least one year of driving experience and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period.

§ 5. Restricted Instruction Permit.) The commissioner upon receiving proper application may in his discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver-education program which includes practice driving and which is approved by the commissioner even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such a permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

§ 6. Temporary Driver's Permit.) The commissioner may in his discretion issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the commissioner is completing his investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

§ 7. Application For License Or Instruction Permit.)

1. Every application for an instruction permit or for an operator's license shall be made upon a form furnished by the commissioner. Every application shall be notarized or verified before a person authorized by law to administer oaths and accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

2. Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether an application has ever been refused, suspended, canceled, or revoked and, if so, the date of and reason for such suspension, cancellation, revocation, or refusal. The application shall contain such other information as the commissioner may require.
3. Whenever an application is received from a person previously licensed in another jurisdiction, the commissioner may request a copy of operator's record from such other jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.
4. Whenever the commissioner receives a request for an operator's record from another licensing jurisdiction the record shall be forwarded without charge.

§ 8. Application of Minors.) The application of any person under the age of eighteen years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by the father, mother, or guardian, or, in the event there is no parent or guardian, then by another responsible adult who is willing to assume the obligation imposed under this Act upon a person signing the application of a minor.

§ 9. Liability For Negligence of Minor; General.) Any negligence of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence, except as otherwise provided in section 10 of this Act.

§ 10. Liability For Negligence of Minor: Proof of Financial Responsibility.) In the event a minor under the age of eighteen deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the commissioner may accept the application of such minor.

§ 11. Cancellation of Minor's License Or Permit Upon Request.) Any person who has signed the application of a minor for a license may thereafter file with the commissioner a verified written request that the license of the minor so granted be canceled. Thereupon the commissioner shall cancel the license or permit of the minor and the person who signed the application of the minor shall be relieved from the liability imposed under this Act by reason of having signed such application on account of any subsequent negligence of the minor in operating a motor vehicle.

§ 12. Cancellation of Minor's License Or Permit Upon Death of Applicant.) The commissioner upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel the license or permit and shall not issue a new license or permit until such time as a new application, duly signed and verified, is made as required by this Act. This provision shall not apply in the event the minor has attained the age of eighteen years.

§ 13. Examination of Applicants.) The highway patrol shall examine every applicant for an operator's license, except as otherwise provided in this Act. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The highway patrol shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant within not more than thirty days from the date the application is received. The commissioner may require such other physical or mental examination as may be deemed advisable.

§ 14. Licenses Issued To Operators; General.) The commissioner shall, upon payment of a two dollar and fifty cent fee by applicants eighteen years of age and over and a one dollar and fifty cent fee by applicants under the age of eighteen, issue to every applicant qualifying therefor an operator's license as applied for in the form of a triple license card, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. For purposes of verification, an officer may require the licensee to write his signature in the presence of such officer.

§ 15. License To Be Carried and Exhibited On Demand.)

Every licensee shall have his operator's license or permit in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any court, police magistrate, a justice of the peace, a patrolman, peace officer, or a field deputy or inspector of the highway department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operator's license or permit theretofore issued to him and valid at the time of his arrest.

§ 16. Restricted Licenses.)

1. The commissioner upon issuing an operator's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The commissioner may either issue a special restricted license or may set forth such restrictions upon the usual license form. The commissioner shall likewise restrict licenses pursuant to the requirements of section 39-1618 of the 1953 Supplement to the Code.
3. A restricted operator's license may be issued to any child, otherwise qualified, upon the written recommendation of his parent or guardian. No such license shall be issued unless the child, accompanied by his parent or guardian, shall appear in person and satisfy the examining officer that:
 - a. The child is at least fourteen years of age;
 - b. The child is qualified to operate an automobile safely; and
 - c. It is necessary for the child to drive his parent's or guardian's automobile without being accompanied by some person over sixteen years of age.

The parent or guardian, at all times, shall be responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this section shall not authorize the child to drive a motorcycle, commercial truck, motor bus, or taxicab.

4. The commissioner may also issue a junior license to a minor under the age of fourteen upon application by parent, guardian or lawful custodian of the minor when necessity for the license is shown and ability to drive is demonstrated. This license shall be restricted to the operation of a motor vehicle registered to the licensee's parent, guardian, or employer, either to or from school, to or from work, or on business of the parent, guardian, or employer, unless the licensee is accompanied by and under the immediate supervision of an adult. Such restrictions shall be made in writing and attached to and become a part of such junior license. The possession of a junior license shall not authorize the licensee to operate a motor vehicle in violation of any law, nor in violation of any rule or regulation of the state or federal authorities relating to the employment of minors.
5. The commissioner may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this Act.
6. It is a misdemeanor, punishable by a fine of not more than one hundred dollars and by imprisonment for not more than thirty days or by both such fine and imprisonment, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

§ 17. Duplicate Certificates.) In the event that a permit or license issued under the provisions of this Act is lost, mutilated or destroyed, the person to whom the same was issued may obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the commissioner that such permit or license has been lost, mutilated, or destroyed and upon payment of a one dollar fee.

§ 18. Expiration of License; Renewal.) Every operator's license shall be issued for a term of two years, which shall commence on July first of each odd numbered year, and expire June thirtieth in the next succeeding odd numbered calendar year. Every such license shall be renewable on or before its expiration upon application and payment of the required two dollars and fifty cents fee except that a licensee under the age of eighteen shall pay a one dollar and fifty cent fee. The commissioner may require an examination of the applicant as upon an original application, where the commissioner has good cause to believe that the applicant may not be competent or otherwise not qualified for automatic renewal of his license.

§ 19. Notice of Change of Address Or Name.) Whenever any person after applying for or receiving an operator's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the commissioner in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

§ 20. Filing Application Records.) The commissioner shall file every application for a license received by him and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the commissioner and after each such name note the reasons for such action.

§ 21. Driving Records of Licensees.) The commissioner shall also file all accident reports and abstracts of court records of convictions received by him under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the commissioner upon any application for renewal of license and at other suitable times.

§ 22. Definition of Suspension, Revocation, and Cancellation.) The following words when used in this Act shall, for the purposes of this Act, have the meanings respectively ascribed to them in this section:

1. Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.
2. Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the commissioner after the expiration of the period of revocation, which period shall not be less than thirty days.
3. Cancellation means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license,

but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

§ 23. Authority To Cancel Licenses.) The commissioner is hereby authorized to cancel any operator's license or permit upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application. Upon such cancellation, the licensee must surrender the license or permit so canceled to the commissioner.

§ 24. Suspending Privileges of Nonresidents.) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the commissioner in like manner and for like cause as an operator's license issued hereunder may be suspended or revoked.

§ 25. Reporting Convictions of Nonresidents.) The commissioner is further authorized, upon receiving a record of the conviction in this state of a nonresident 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 licensing authority in the state wherein the person so convicted is a resident.

§ 26. Suspending Licenses Upon Conviction In Another State.) The commissioner is authorized to suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator.

§ 27. Courts To Forward License To Commissioner Upon Certain Convictions.) Whenever any person is convicted of any offense for which this Act makes mandatory the revocation of the operator's license of such person by the commissioner, the court in which such conviction is had shall require the surrender to it of any operator's license then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the commissioner. Any court or juvenile commissioner in the state, upon finding any licensee guilty of hazardous traffic violation, may detach one of the three license cards, and shall in each case forward such card immediately to the commissioner with a statement of the facts regarding the offense.

§ 28. Courts To Report Records of Certain Convictions.) Every court or juvenile commissioner having jurisdiction over offenses committed under this Act or any other law of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the commissioner a record of the conviction of any person in said court, or a report of the action of the juvenile court in the case of a juvenile, for a violation of any of said laws other than regulations governing standing or parking, and may recommend the suspension of the operator's license or permit of the person so convicted or reported.

§ 29. Conviction: Meaning and Effect.) For the purposes of this Act the term "conviction" shall mean a final conviction. Also, for the purposes of this Act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

§ 30. Mandatory Revocation of Licenses.) The commissioner shall forthwith revoke the license of any operator upon receiving a record of such operator's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from operation of a motor vehicle;
2. Any felony in the commission of which a motor vehicle is used;
3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
4. Perjury or the making of a false affidavit or statement under oath to the commissioner under this Act or under any other law relating to the ownership or operation of motor vehicles; or
5. Conviction, or forfeiture of bail not vacated, upon two charges of driving a motor vehicle while under the influence of intoxicating liquor or a drug, or reckless driving, or aggravated reckless driving, committed within a period of eighteen months.

§ 31. Authority To Suspend Licenses.) The commissioner is hereby authorized to suspend the license of an operator without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Has been convicted of serious offenses against traffic regulations governing the movement of vehicles with

such frequency as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

3. Is an habitually reckless or negligent driver of a motor vehicle;
4. Is incompetent to drive a motor vehicle;
5. Has permitted an unlawful or fraudulent use of his license;
6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or
7. Has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle.

§ 32. Hearing Subsequent To License Suspension.) Upon suspending the license of any person as authorized in section 31, the commissioner shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical at such place as the commissioner shall determine. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind his order of suspension or, good cause appearing therefor, may continue, modify, or extend the suspension of such license or revoke such license.

§ 33. Commissioner May Require Reexamination.) In addition to other powers set forth in this Act, the commissioner having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five days to the licensee require him to submit to such physical, mental, or driver's examination as may be deemed necessary. Upon the conclusion of such examination the commissioner shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain his license, or may issue a license subject to restrictions as permitted under section 16 of this Act. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

§ 34. Period of Suspension.) The commissioner shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under section 42 of this Act.

§ 35. Restoration of Revoked Licenses.) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the revocation period such person may make application for a new license as provided by law, but the commissioner shall not then issue a new license unless and until he is satisfied after investigation of the character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

§ 36. Surrender and Return of License.) The commissioner upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the commissioner, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee. If any person fails to return to the commissioner any license or permit which has been canceled, suspended, or revoked, the commissioner shall direct any highway patrolman or peace officer to secure possession thereof and return the same to the commissioner.

§ 37. No Operation Under Foreign License During Suspension Or Revocation In This State.) Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this Act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this Act.

§ 38. Right of Appeal To Court.) Any person denied a license or whose license has been canceled, suspended, or revoked by the commissioner, except where such cancellation or revocation is mandatory under the provisions of this Act, shall have the right to 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 such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days written notice to the commissioner and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation, or revocation of license under the provisions of this Act. The decision of the district court shall be subject to appeal by either the petitioner or the commissioner.

§ 39. Unlawful Use of License.) It is a misdemeanor punishable by a fine of not more than one hundred dollars or

imprisonment for not more than thirty days or both such fine and imprisonment for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the commissioner upon his lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled;
5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or
7. To do any act forbidden or fail to perform any act required by this Act.

§ 40. Making False Affidavit Perjury.) Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

§ 41. Penalty For Driving While License Suspended Or Revoked.) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be punished by imprisonment for not less than two days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

§ 42. Extension of License Suspension Or Revocation.) The commissioner upon receiving a record of the conviction of any person upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the commissioner shall not issue a new license for an additional

period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

§ 43. Permitting Unauthorized Minor To Drive.) No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this Act.

§ 44. Permitting Unauthorized Person To Drive.) No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this Act.

§ 45. Renting Motor Vehicles: License of Renter.) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed, or unless the renter certifies that the vehicle shall be driven by a duly licensed driver.

§ 46. Renting Motor Vehicle: License Inspection.) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented, or of the person by whom the vehicle shall be driven, and compared and verified the signature thereon with the signature of such person written in his presence.

§ 47. Renting Motor Vehicle: Records.) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person, or, his certified driver, and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the commissioner.

§ 48. Existing Licenses and Permits.) All operator's licenses and permits issued prior to September 1, 1955, for the period beginning July 1, 1955 and ending June 30, 1957 pursuant to existing law shall be valid for the period designated, but subject to cancellation, revocation, or suspension in accordance with the provisions of this Act and the laws of this state.

§ 49. Uniformity of Interpretation.) This Act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

§ 50. Fees Collected To Be Paid Into State Treasury; Use of.) All money received under the provisions of this Act shall be paid monthly into the general fund in the state treasury.

§ 51. Construction.) This Act shall be construed as being a part of title 39, and as replacing chapter 39-06 of the North Dakota Revised Code, as amended.

§ 52. Short Title.) This Act may be cited as the Uniform Motor Vehicle Operator's License Act.

§ 53. Repeal.) Chapter 39-06 of the North Dakota Revised Code of 1943, except section 39-0615, and chapter 39-06 of the 1953 Supplement thereto is hereby repealed.

Approved March 12, 1955.

CHAPTER 252

H. B. No. 601
(Brown)

LOCAL MULTI-LANE TRAFFIC REGULATION

AN ACT

To create and enact subsection 6 of section 39-0704 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to powers of local authorities in traffic regulation.

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

§ 1. Amendment.) Section 39-0704 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended by creating subsection 6 thereto, which is enacted to read as follows:

6. Provide a multi-lane system of traffic control where the width of the highway and other conditions permit.

Approved March 8, 1955.

CHAPTER 253

H. B. No. 542
(Legislative Research Committee)

VEHICLE ACCIDENT REPORTS AND RECORDS

AN ACT

Relating to vehicle accidents, the duties of persons involved in such accidents, accident reports, the reports of magistrates, coroners, garage operators and others concerned with persons involved in accidents, providing penalties for false reports and failure to report as required, and repealing sections 39-0712, 39-0804, 39-0805, 39-0806, 39-0807, and 39-0808 of the North Dakota Revised Code of 1943.

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

§ 1. Accidents Involving Death Or Personal Injuries.)

1. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as

close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3 of this Act. Every such stop shall be made without obstructing traffic more than is necessary.

2. Any person failing to stop or to comply with said requirements under such circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by fine of not less than one hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.
3. The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

§ 2. Accidents Involving Damage To Vehicle.) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 3 of this Act. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 3. Duty To Give Information and Render Aid.) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

§ 4. Duty Upon Striking Unattended Vehicle.) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle

striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

§ 5. Duty Upon Striking Fixtures Upon A Highway.) The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 6 of this Act.

§ 6. Immediate Notice of Accident.) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the state highway patrol. The driver shall give to the officer, or department, receiving the notice or investigating the accident such detailed information as may be requested. The officer, or department, receiving such notice shall upon request give such driver a receipt showing that the required notice has been given.

§ 7. Officer To Report.) Every law enforcement officer to whom a notice of accident may be given shall make a written report to the highway commissioner showing the facts and circumstances of the accident as reported to him unless he shall refer the investigation of the accident to another enforcement officer. Every enforcement officer, who in the regular course of duty investigates a motor vehicle accident either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall forward promptly a written report of such accident to the highway commissioner.

§ 8. When Driver Unable To Report.)

1. An accident notice is not required under this Act from any person who is physically incapable of making the report during the period of such incapacity.
2. Wherever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in section 6 of this Act and there was another occupant

in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

§ 9. False Reports.) Any person who gives information reports as required in sections 6, 7, and 8 of this Act knowing or having reason to believe that such information is false shall be fined not more than two hundred dollars, or imprisoned for not more than thirty days, or both.

§ 10. Accident Report Forms.)

1. The commissioner shall prepare and supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, persons and vehicles involved, and contain information sufficient to enable the commissioner to determine whether the requirements for the deposit of security under chapter 39-16 of the 1953 Supplement to the North Dakota Revised Code of 1943 are applicable.
2. Every accident report required to be made in writing shall be made on the appropriate form approved by the commissioner and shall contain all of the information required therein unless not available.

§ 11. Garages To Report.) The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a collision or struck by any bullet, shall report to a police officer within twenty-four hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle.

§ 12. Public Inspection of Reports Relating To Accidents.)

1. All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of

a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

2. All accident reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted, except, however, that such reports and supplemental information may be examined by any person named therein or by his representative designated in writing.
3. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the commissioner shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner in compliance with law.

§ 13. Highway Commissioner To Tabulate and Analyze Accident Reports.) The commissioner shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

§ 14. Any Incorporated City May Require Accident Reports.) Any incorporated city, town, village, or other municipality may be ordinance require that the driver of a vehicle involved in an accident shall file with a designated city department a report of such accident. All such reports shall be for the confidential use of the city department and subject to the provisions of section 12 of this Act.

§ 15. Magistrates To Report Convictions To Highway Commissioner.) Every magistrate in this state shall make a full and complete report to the commissioner within ten days after any person has been convicted of reckless driving on a public highway, or of driving a motor vehicle upon a public highway while under the influence of intoxicating liquor or a narcotic drug, or of failure to stop in event of an accident involving injury or death to any person.

§ 16. Repeal.) Sections 39-0712, 39-0804, 39-0805, 39-0806, 39-0807, and 39-0808 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 17. Construction.) This Act shall be construed as being a part of title 39 of the Revised Code of 1943 as amended.

Approved March 10, 1955.

CHAPTER 254

H. B. No. 557

(Legislative Research Committee)

SPEED LIMITS AND ZONES; MUNICIPAL TRAFFIC CODE;
STATE SAFETY COMMITTEE

AN ACT

Relating to traffic regulations, speed limits, establishing speed zones and coordinating highway safety activities, and amending section 39-0902 and subsection 1 of section 40-0501 of the North Dakota Revised Code of 1943, as amended.

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

§ 1. Amendment.) Section 39-0902 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

39-0902. Speed Limitations.) Subject to the provisions of section 39-0901 and except in those instances where a lower speed is specified in this chapter, it presumably shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding:

1. Twenty miles an hour when approaching within fifty feet of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;
2. Twenty miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;
3. Twenty miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Twenty miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;
5. Twenty-five miles an hour on any highway in a business district when traffic on such highway is controlled at intersections by traffic officers or stop-and-go signals;
6. Twenty-five miles an hour on all other highways in a business district;
7. Twenty-five miles an hour in a residence district and in public parks unless a different speed is fixed by local authorities and duly posted; and
8. The highway commissioner may designate specific areas of state highways where the maximum speed limit of sixty-five miles per hour for passenger vehicles from sunrise to sunset is permissible. The maximum speed limit for all trucks shall be fifty miles per hour. A lower speed limit than fifty miles per hour may be designated for all vehicles in certain areas by the commissioner if in his opinion conditions warrant this action. Fifty-five miles per hour under all other conditions.

In any case when the speed limitations provided for in the foregoing subsections shall be unsafe, it shall be unlawful to operate a motor vehicle at such speed. It shall be unlawful for any person to exceed any of such foregoing speed limitations except as otherwise provided in section 39-0903. In every charge of a violation of the provisions of this section, the complaint shall specify the speed at which the defendant is alleged to have driven, and the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

§ 2. Amendment.) Subsection 1 of section 40-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0501. Powers of All Municipalities.)

1. **Ordinances.** To enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such municipality or as the general welfare of the municipality may require, and to repeal, alter, or amend the same. The governing body of a municipality may adopt by ordinance the conditions, provisions, and terms

of a building code, a fire prevention code, a plumbing code, and electrical code, a sanitary code, vehicle traffic code, or any other standard code which contains rules and regulations printed as a code in book or pamphlet form by reference to such code or portions thereof alone without setting forth in said ordinance the conditions, provisions, limitations, and terms of such code. When any such code or portion thereof shall have been incorporated by reference into any ordinance as aforesaid, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof. A copy of such standard code or portion thereof shall be filed for use and examination by the public in the office of the city auditor or village clerks of such municipality prior to the adoption thereof. The adoption of any such standard code by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, and such copy of such standard code so filed shall at all times be kept current in the office of the city auditor or village clerk of such municipality. The adoption of any such code or codes heretofore by any municipality is hereby validated. Fines, penalties, and forfeitures for the violation thereof may be provided within the limits specified in this chapter notwithstanding that such offense may be punishable also as a public offense under the laws of this state.

§ 3. Speed Zones On State Highways.) Whenever the state highway commissioner with respect to highways under his jurisdiction, and the superintendent of the North Dakota state highway patrol, shall jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state highway is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of such highway, said officials acting jointly may determine and declare a reasonable and safe speed limit thereat not in excess of the maximum prescribed by law, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway.

§ 4. Regulation of Speed Control Signs.) If upon investigation the state highway commissioner and the superintendent of the North Dakota state highway patrol shall find it in the interest of public safety, they may order the county, township, city or village officials, to erect and maintain, take down or

regulate such speed control signs, signals or devices as the said state highway commissioner and the superintendent of the state highway patrol shall direct, and in default thereof said state highway commissioner shall be authorized to cause such designated signs, signals and devices to be erected and maintained, taken down, regulated or controlled, in the manner previously directed, and pay for same out of the highway fund designated.

§ 5. North Dakota State Safety Committee, Members.) There is hereby created the North Dakota state safety committee, which shall be composed of the following officials ex officio: the governor, who shall be honorary chairman; the state highway commissioner, who shall be the executive director; the superintendent of the state highway patrol, the motor vehicle registrar, the chairman of the public service commission, the superintendent of public instruction and the attorney general. The members of the safety committee shall receive no additional compensation for service on said committee. Said committee shall have no authority, power or duties now vested in any other department or departments of state government.

§ 6. State Safety Committee, Meetings; Purpose.) It shall be the duty of the safety committee to hold meetings at least quarterly during each calendar year hereafter, at such places as it may determine, and at the call of the executive director, to consult and cooperate with all departments of state government in regard to traffic safety on streets and highways; to interchange information among the several departments of the state government for more effective safety conditions; to cooperate with officials of the United States government and with local governments in regulating highway traffic and to encourage safety education in the state of North Dakota.

Approved March 12, 1955.

CHAPTER 255

H. B. No. 543

(Legislative Research Committee)

VEHICLE EQUIPMENT

AN ACT

Relating to installation, specification, use, authorization of equipment on vehicles, amending and reenacting sections 39-1103, 39-1108, 39-1109, 39-1119, 39-1120, 39-1130, 39-1132 and repealing section 39-1112 of the North Dakota Revised Code of 1943.

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

§ 1. **Amendment.)** Section 39-1103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1103. Headlamps: Construction, Arrangement, and Adjustment: Glaring and Dazzling Light Prohibited.) Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading;
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver; and
3. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not

otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

§ 2. Single-beam Road-lighting Equipment.) Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after the effective date of this Act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations;

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.
2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

§ 3. Amendment.) Section 39-1108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1108. Spot Lamps; Limitations on Number and Use.) Any motor vehicle may be equipped with not to exceed two spot lamps. Every lighted spot lamp shall be aimed and used upon approaching another vehicle so that no part of the beam will be directed to the left of the center of the highway nor more than one hundred feet ahead of the vehicle.

§ 4. Amendment.) Section 39-1109 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1109. Auxiliary Driving Lamps Permissible; Requirements.) Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height of not less than sixteen inches nor more than forty-two inches above the level surface on which the vehicle stands. Every such auxiliary driving lamp shall meet the requirements and limitations set forth in section 39-1103; provided that any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of center of the vehicle shall at a distance of 25 feet ahead project higher than a level of 4 inches below the level of the center of the lamp from which it comes.

§ 5. Repeal.) Section 39-1112 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 6. Other Lights; Direction and Intensity.) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

§ 7. Flashing Lights, Prohibition.) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment, or on any vehicle as a means for indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

§ 8. Special Lighting and Warning Equipment on School Buses.) The superintendent of public instruction in cooperation with the registrar is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and other vehicles transporting children to school for compensation, consistent with the provisions of chapter 39-11 of the North Dakota Revised Code of 1943, as amended, but supplemental thereto.

§ 9. Amendment.) Section 39-1119 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1119. Lights on Parked Vehicles.) Whenever a motor vehicle is parked or stopped upon a highway, whether attended or unattended, during the time mentioned in section 39-1101, there shall be displayed thereon one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such motor vehicle and projecting a red light visible under like conditions from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such motor vehicle when parked upon a highway in accordance with local ordinances, where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

§ 10. Vehicles Parked in Sufficient Light. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

§ 11. Amendment.) Section 39-1120 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1120. Red or Green Light Visible From in Front of Vehicle Prohibited; Exception.) No person shall drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof. This section shall not apply to police, fire department, fire patrol, or other authorized emergency vehicles.

§ 12. Amendment.) Section 39-1130 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1130. Vehicle To Be Constructed To Prevent Sifting or Leaking Loads.) No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

§ 13. Amendment.) Section 39-1132 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1132. Misdemeanor To Violate Provisions Governing Equipment of Vehicles.) It shall constitute a misdemeanor for any person to drive or move, or for the owner to cause or knowingly to permit to be driven or moved, on any highway any vehicle or vehicles which are not constructed as required in this chapter or according to the rules and regulations of the registrar adopted pursuant to the provisions of this chapter, or which are in such unsafe condition as to endanger any person.

§ 14. Vehicles Transporting Explosives.) Any person operating any vehicle transporting any explosive as a cargo or part

of a cargo upon a highway shall at all times comply with the provisions of this section.

1. Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.
2. Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.
3. The registrar is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public.

§ 15. Air-conditioning Equipment.)

1. The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.
2. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.
3. The registrar may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.
4. No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.
5. No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

§ 16. Certain Vehicles To Carry Flares or Other Warning Devices.)

1. No person shall operate any motor truck, passenger bus or truck tractor upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in paragraph 2.
 - a. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at night-time.

No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the registrar and approved by him. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps, and unless it is of a type which has been submitted to the registrar and approved by him.
 - b. At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.
 - c. At least two red-cloth flags, not less than 12 inches square, with standards to support such flags.
2. No person shall operate at the time and under conditions stated in paragraph 1 any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of paragraph 1 of this section, and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame.

§ 17. Display of Warning Devices When Vehicle Disabled.)

1. Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer or poletrailer is disabled upon the

traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in paragraph 2:

- a. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
 - b. As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:
 - (A) One, approximately 100 feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.
 - (B) One, approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
 - (C) One at the traffic side of the disabled vehicle not less than 10 feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (A) of this section, it may be used for this purpose.
2. Whenever any vehicle referred to in this section is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the disabled vehicle.
 3. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in paragraphs 1 and 5 of this section shall be placed as follows:

One at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in

that lane; one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

4. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.
5. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in paragraph 1 of this section, the driver of such vehicle shall immediately display the following warning devices: one red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately 100 feet to the front and one placed approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.
6. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of section 16 applicable thereto.

Approved March 2, 1955.

CHAPTER 256

S. B. No. 48

(Freed, Wadeson, Solberg, Schmit)

VEHICLE LENGTH; LIMITS

AN ACT

To amend and reenact subsection 3 of section 39-1204 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to length limitations on vehicles; exceptions.

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

§ 1. **Amendment.)** That subsection 3 of section 39-1204 of the 1953 Supplement to the North Dakota Revised Code of 1943, be amended and reenacted to read as follows:

3. A length, including the load thereon, of thirty-five feet, except buses and trucks, which when equipped with three or more 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 fifty 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 fifty 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 semitrailer 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. No vehicle in excess of forty-five feet in length shall be permitted to use the highways of the state unless such vehicle complies with such reasonable regulations as the highway commissioner may adopt to prevent unnecessary and unusual damage to the highways of the state, and the highway commissioner is hereby authorized to adopt such regulations.

Approved February 26, 1955.

CHAPTER 257

S. B. No. 164
(Duffy and Streibel)

IMPOUNDING OVERLOADED VEHICLES; CIVIL ACTION

AN ACT

To provide for the impounding of any vehicle operated upon any highway, street or road in this state at weights in excess of the weight limitations as specified under the provisions of section 39-1203 of the North Dakota Revised Code of 1943 or as limited by the provisions of section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943 and to provide for the recovery of charges for extraordinary use of the highways, streets and roads of this state, providing for the weighing of vehicles and the unloading of vehicles carrying excess weights, providing a penalty and declaring an emergency.

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

§ 1.) Any vehicle found to have been moved or used upon any highway, street or road in this state at a weight exceeding the limitations as specified in any order, ordinance or resolu-

tion issued under the provisions of section 39-1203 of the North Dakota Revised Code of 1943 or as limited by the provisions of section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943, may be impounded by any peace officer and taken to a warehouse or garage for storage.

§ 2.) A receipt shall be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt shall identify as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo shall be obtained from the driver or person in charge of the vehicle.

§ 3.) The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables shall be upon the owner, operator or lessee of such vehicle.

§ 4.) The state highway commissioner with the assistance of the attorney general or the state's attorney of the county where such vehicles are impounded, shall immediately prepare and file a civil complaint for the purpose of recovering charges for the extraordinary use of the highways, streets or roads of this state.

§ 5.) A copy of the complaint shall be served upon the driver or person in charge of the vehicle and a copy shall be sent by registered, return receipt mail to the owner of the vehicle, if the address of such owner is known.

§ 6.) Unless a cash bond shall be furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets and roads, as provided in section 8 of this Act, together with the costs, said vehicle shall be held until a trial of the case can be had before the district court.

§ 7.) At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were moved upon the highways, streets or roads of this state at a weight in excess of the limitations imposed under the provisions of section 39-1203 of the North Dakota Revised Code of 1943 or as limited by the provisions of section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943, charges for the extraordinary use of the highways, streets or roads shall be assessed as follows:

1. The storage charges and costs of the action shall be assessed; and
2. An additional charge shall be assessed as follows:
 - a. One cent per pound for each pound of weight in excess of the legal limit, up to three thousand pounds of excess weight;
 - b. Four cents per pound for each pound which exceeds the legal limit by over three thousand but is less than five thousand pounds of excess; and
 - c. Eight cents per pound for each pound which exceeds the legal limit by over five thousand pounds.

§ 8.) If the charges and costs as provided in section 7 of this Act are not paid immediately from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff of the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed under the provisions of this Act.

§ 9.) The payment of charges assessed under this Act shall not be construed as a payment for the future use of highways, streets or roads by vehicles carrying excess loads.

§ 10.) The proceeds of any sale authorized under this Act shall be applied first to the payment of the costs of the proceedings and next to the payment of the charges assessed. Such charges shall be remitted to the state treasurer to be credited to the highways construction fund, and the moneys so collected are hereby appropriated for use by the state highway department in the construction or reconstruction of highways, roads and streets of this state. The balance of the proceeds of any sale after the payment of costs and charges shall be paid over by the sheriff to the person entitled thereto as determined by the court, or shall be deposited with the clerk of court for such payment.

§ 11.) Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars or imprisonment of not more than thirty days, or by both such fine and imprisonment.

§ 12.) When any motor truck, truck-tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum prescribed under the provisions of sections 39-1203 and 39-1205 of the North Dakota Revised Code of 1943, as amended, or other maximum weight limita-

tions prescribed by law, the load shall be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this state; provided, however, that any such vehicle carrying a load of livestock shall be exempt from the limitations prescribed in section 39-1205 of the North Dakota Revised Code of 1943, as amended, relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

§ 13. 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 12, 1955.

CHAPTER 258

S. B. No. 163
(Duffy, Streibel)

VIOLATIONS OF SIZE AND WEIGHT LIMITS

AN ACT

To amend and reenact section 39-1208 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to penalty for violating width, height, length and load limitations upon the highways of this state and declaring an emergency.

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

§ 1. Amendment.) Section 39-1208 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1208. Penalty for Violating Width, Height, Length and Load Limitations.) Any person violating the provisions of sections 39-1204 or 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943, or sections 39-1206 or 39-1207 of the North Dakota Revised Code of 1943 is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or both such fine and imprisonment.

§ 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 2, 1955.