

MOTOR VEHICLES

CHAPTER 253

H. B. No. 824

(Annear, Anderson of Richland, Dahl, Poling)

TRAILERS, TRANSPORTERS, MOBILE HOMES, MISCELLANEOUS

AN ACT

To amend and reenact subsection 7 of section 39-01-01, relating to the definition of trailer; section 39-04-48, relating to driveaway transporters; subsection 1 of section 39-04A-01, relating to the definition of trailer; section 39-05-01, relating to the definition of motor vehicle; section 39-05-12, relating to carrying of registration cards for vehicles; section 39-18-01, relating to the definition of mobile home; section 39-18-02, relating to bond required from mobile home dealers; section 39-18-03, relating to titling and licensing of mobile homes; section 57-40-12, relating to use tax on motor vehicles and house trailers or mobile homes; section 39-18-05, relating to restrictions on the operation of mobile homes; and to repeal section 39-05-29; all of the North Dakota Century Code, and providing a penalty.

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

§ 1. **Amendment.)** Subsection 7 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. "Trailer" shall include every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it shall not include a "house trailer" or "mobile home", which terms shall mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers;

§ 2. **Amendment.)** Section 39-04-48 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-48. Driveaway Transporter Registration — Application.) Sections 39-04-45 through 39-04-53 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, other

than house trailers or mobile homes, registerable under any other provisions of law, nor to any person not issued a license hereunder.

§ 3. Amendment.) Subsection 1 of section 39-04A-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Motor vehicles" shall mean and include any motor driven truck, or combination of truck and trailer or semitrailer, used upon any public highway of the state for the purpose of transporting property, provided that the term "trailer" as used herein shall not include a trailer house or mobile home;

§ 4. Amendment.) Section 39-05-01 of the North Dakota Century Code is hereby amended by creating and enacting a new subsection to read as follows:

6. The term "motor vehicle" as used in this chapter shall include a house trailer or mobile home.

§ 5. Amendment.) Section 39-05-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-12. Registration Card To Be Carried in Driver's Compartment—Inspection of Card—Penalty.) The registration card issued for a vehicle shall be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home, inside such vehicle at all times while the vehicle is being operated upon a highway in this state. Any person violating any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 6. Repeal.) Section 39-05-29 of the North Dakota Century Code is hereby repealed.

§ 7. Amendment.) Section 39-18-01 of the North Dakota Century Code is hereby amended and reenacted by adding a new paragraph to read as follows:

39-18-01. Mobile Home 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 thirty-first 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 thirty-first of each year.

The term "mobile home" as used in this chapter shall include and shall have the same meaning as "house trailer", and both terms shall have the meaning prescribed in subsection 7 of section 39-01-01.

§ 8. Amendment.) Section 39-18-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-02. 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 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 vendee of the mobile home within 90 days of

the sale of such mobile home, 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.

§ 9. Amendment.) Section 39-18-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-03. Titling and Licensing of Mobile Homes.) Every person other than a dealer who acquires a house trailer or mobile home shall within 90 days thereafter apply to the motor vehicle registrar for an official certificate of title to such vehicle in the manner and subject to the conditions prescribed in chapter 39-05. 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 annual fee for such licensing shall be ten dollars. 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 chapter 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.

§ 10. Amendment.) Section 57-40-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40-12. Use Tax Imposed on Motor Vehicles and Trailer Houses or Mobile Homes—Penalty.) There is imposed an excise tax of two percent of the purchase price of any motor vehicle purchased or acquired for use on the streets and highways of this state and required to be registered under the laws of this state, and a like rate of tax upon the purchase price of every trailer house or mobile home as defined in subsection 7 of section 39-01-01 purchased or acquired for use in this state. Such tax shall be paid by the purchaser to the motor vehicle registrar at the time that application for the first registration plate or certificate of title of such motor vehicle or trailer house or mobile home is made within this

state. No registration plate or certificate of title shall be issued upon such application until such tax has been paid. Any person who violates any of the provisions of this section 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 by both such fine and imprisonment.

§ 11. **Amendment.)** Section 39-18-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-05. Width, Length and Height of Mobile Homes, Operated in the State of North Dakota—Oversize Permits.) 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 sixty feet, or which shall have a body width of over eight feet, and a height of over twelve and one-half feet, except as otherwise provided in this section. Mobile homes moved in the interest of merchandising or relocation of a man's home shall be considered "good cause".

1. For good cause shown, therefore, the state highway department may, at their discretion, issue single trip permits for movement of a mobile home exceeding statutory size to persons or firms having adequate towing vehicle and insurance coverage. The state highway department shall have authority to establish reasonable permit conditions and regulations in the interest of safety, public interest and adverse weather conditions. The state highway department shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.
2. For good cause shown, therefore, the state highway department may, in their ordinary course of business, issue annual permits for movement of mobile homes exceeding statutory size, to mobile home manufacturers, dealers or transport companies; providing, however, that the towing vehicle shall consist of a three-fourth ton or larger truck with dual wheels, and that no annual permits shall be issued for movement of mobile homes exceeding over-all dimensions of one hundred and twenty inches wide, plus safety equipment, if required.
3. No oversize permits shall be valid during period of sunset to sunrise or during period of twelve o'clock noon Saturday to sunrise Monday or on holidays of New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas days.

4. For each permit issued there shall be charged a fee of five dollars, except that on annual permits each movement shall be charged a transit fee of five dollars. Further, no mobile home having a width in excess of eight feet shall be moved at a speed in excess of fifty miles per hour. No mobile home shall be moved unless such movement is covered by liability insurance in the amount of at least one hundred thousand dollars for bodily injury liability for one person, at least three hundred thousand dollars for bodily injury liability for one accident, and at least twenty thousand dollars property damage liability.

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.

Approved March 17, 1961.

CHAPTER 254

H. B. No. 724

(Goebel, Fitch, Johnston, Dahl)

APPLICATION FOR MOTOR VEHICLE REGISTRATION

AN ACT

To amend and reenact subsection 4 of section 39-04-02 of the North Dakota Century Code, relating to application for the registration of a motor vehicle.

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

§ 1. Amendment.) Subsection 4 of section 39-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. If the vehicle for which registration is sought is a new vehicle, no registration shall be issued unless a certificate of origin executed by the manufacturer of such vehicle is attached to the application for the certificate of title for such vehicle. If the new motor vehicle for which registration is sought is of foreign manufacture, the certificate of origin shall be furnished by the importer of such vehicle. The manufacturer or importer of all new vehicles shall designate the total shipping weight of the vehicle on the certificate of origin.

Approved February 17, 1961.

CHAPTER 255

H. B. No. 550

(Bye, Knudsen of LaMoure, Solberg)

(From LRC Study)

REGISTRATION FEES, DISTRIBUTION

AN ACT

To amend and reenact subsection 2 of section 39-04-19 and section 39-04-39 of the North Dakota Century Code, relating to the motor vehicle registration fees and the distribution thereof.

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

§ 1. **Amendment.)** Subsection 2 of section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Motor vehicles required to be registered in this state shall be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle first becomes subject to registration other than at the beginning of the registration period such fees shall be prorated on a monthly basis:

- a. Passenger motor vehicles, including buses for hire, hearses and ambulances:

Weight	Years Registered			
	1st, 2nd, and 3rd years	4th, 5th, and 6th years	7th, 8th, and 9th years	10th & sub- sequent years
1999 or less	\$ 26.00	\$ 20.75	\$ 15.50	\$10.50
2000-2399	28.00	22.50	16.75	11.25
2400-2799	30.00	24.00	18.00	12.00
2800-3199	32.00	25.50	19.25	12.75
3200-3599	36.00	28.75	21.50	14.50
3600-3999	40.00	32.00	24.00	16.00
4000-4499	50.00	40.00	30.00	20.00
4500-4999	66.00	52.75	39.50	26.50
5000-5999	94.00	75.25	56.50	37.50
6000-6999	124.00	99.25	74.50	49.50
7000-7999	154.00	123.25	92.50	61.50
8000-8999	184.00	147.25	110.50	73.50
9000 and over	214.00	171.25	128.50	85.50

In addition to the fees required in this subsection and section 49-18-32, all motor buses used for the transportation of persons for hire over the highways of this state, which have 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 design a distinctive number plate for such vehicles. Motor passenger buses operating exclusively within the corporate limits of any village or city shall not be required to pay this fee.

- b. School buses and trucks or combination trucks and trailers, including commercial and noncommercial trucks:

Years Registered

Gross Weights	1st, 2nd, and 3rd years	4th and 5th years	6th and 7th years	8th & subsequent years
0- 4,000	\$18.00	\$14.50	\$10.75	\$10.00
4,001- 6,000	23.25	18.50	14.00	10.00
6,001- 8,000	28.50	22.75	17.00	10.00
8,001-10,000	33.75	27.00	20.25	11.75
10,001-12,000	39.00	31.25	23.50	13.75
12,001-14,000	44.25	35.50	26.50	15.50
14,001-16,000	49.50	39.50	29.75	17.25
16,001-18,000	54.75	43.75	32.75	19.25
18,001-20,000	60.00	48.00	36.00	21.00
20,001-22,000	65.25	52.25	39.25	22.75
22,001-24,000	70.50	56.50	42.25	24.75

Gross Weights	Years Registered		
	1st, 2nd, 3rd & 4th years	5th, 6th, 7th, 8th & 9th years	10th & sub- sequent years
24,001-26,000	\$155.00	\$124.00	\$108.50
26,001-28,000	190.00	152.00	133.00
28,001-30,000	225.00	180.00	157.50
30,001-32,000	260.00	208.00	182.00
32,001-34,000	295.00	236.00	206.50
34,001-36,000	330.00	264.00	231.00
36,001-38,000	365.00	292.00	255.50
38,001-40,000	400.00	320.00	280.00
40,001-42,000	435.00	348.00	304.50
42,001-44,000	470.00	376.00	329.00
44,001-46,000	505.00	404.00	353.50
46,001-48,000	540.00	432.00	378.00
48,001-50,000	575.00	460.00	402.50
50,001-52,000	610.00	488.00	427.00
52,001-54,000	645.00	516.00	451.50
54,001-56,000	680.00	544.00	476.00
56,001-58,000	715.00	572.00	500.50
58,001-60,000	750.00	600.00	525.00
60,001-62,000	785.00	628.00	549.50
62,001-64,000	820.00	656.00	574.00
64,001-66,000	855.00	684.00	598.50
66,001-68,000	890.00	712.00	623.00
68,001-70,000	925.00	740.00	647.50
70,001-72,000	960.00	768.00	672.00
72,001-73,280	995.00	796.00	696.50

c. Motorcycles:

- (1) Without side car, five dollars per motorcycle;
- (2) With side car, eight dollars per unit.

§ 2. **Amendment.)** Section 39-04-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-39. 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 and credited by the state treasurer, as follows:

1. First, nine percent of all fees collected pursuant to subsection 2a of section 39-04-19, and fourteen and one-half percent of all fees collected pursuant to subsection 2b of section 39-04-19, shall be transferred quarterly 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 shall be transferred quarterly to the state highway department; and
3. From and after July 1, 1961, the remaining balance shall be distributed as follows:
 - a. An amount equal to the sum credited and transferred to the counties from such fees for the fiscal year ending June 30, 1960, shall be distributed quarterly to the counties of this state in proportion to the number of motor vehicle registrations credited to each county; provided, however, that in no event, shall any county receive, under the provisions of this subsection, an amount in excess of the sum dispersed to it during the fiscal year ending June 30, 1960. Each county shall be credited with the certificates of title of all motor vehicles registered by residents of such county; and
 - b. On or before the first day of August of each year all moneys in excess of the amount referred to in subsection 3a of this Act shall be distributed as follows:
 - (1) Thirty-five percent of such excess to the counties of this state in the same proportions as set forth in subsection 3a of this Act; and
 - (2) The balance of such excess is hereby appropriated and shall be distributed by the state treasurer and allocated to counties of this state on the basis of the per capita population of all of the incorporated cities and villages situated within such county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 of the North Dakota Century Code in case of a city or village incorporated subsequent to such census and shall be deposited in a special municipal highway fund of such county, which fund is hereby created, provided however, upon application by any city or village situated within such county, the county treasurer shall disburse to such city or village its proportionate share of

such excess as based upon its population as determined by such census, to be used by such city or village solely for the construction, reconstruction, repair and maintenance of the public highways and streets situated therein. Any city or village which shall fail to make application for its share of such special municipal highway fund prior to June 30th of any year shall forfeit its share to the county for expenditure in accordance with law.

Approved March 3, 1961.

CHAPTER 256

H. B. No. 671

(Stallman, Leet, Overbo,)

(Renfro, Haugen)

REGISTRATION OF CERTAIN MOTOR VEHICLES

AN ACT

To amend and reenact sections 39-04-22 and 39-04-26, relating to the registration of motor vehicles or combinations thereof which are used for the transportation of property; providing for a minimum gross weight registration and to exempt certain farm vehicles.

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

§ 1. **Amendment.)** Section 39-04-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-22. Motor Vehicle Exceeding Gross Weight for Which Licensed Not To Be Operated on Highway—Exception.) Except as otherwise provided by law a motor vehicle, or a combination of motor vehicles, shall not be operated upon the highways of this state when the gross weight exceeds the gross weight for which the vehicle or combination of vehicles was licensed. Any person violating the provisions of this section will be required to license such motor vehicle at the higher legal rate in accordance with the weight carried by the motor vehicle at the time of the violation for the entire license period. However, such registration shall not be construed to authorize the movement of loads in violation of chapter 39-12.

§ 2. **Amendment.)** Section 39-04-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-26. Registration of Vehicles Transporting Property—Based on Gross Weight—Minimum Gross Weight—Farm Exemption.) The registration and license fee for a motor vehicle or for any lawful combination of motor vehicles used for the transportation of property shall be based upon the gross weight of such motor vehicle or combination of vehicles. The minimum gross weight for which such motor vehicle or combination of motor vehicles can be licensed shall be double the unloaded weight of such motor vehicle or such combination of vehicles and, subject to such minimum, the owner of any motor vehicle or combination of vehicles in his application for license shall set out the gross weight for which he desires a license. A vehicle owned and operated by a bona fide resident farmer who uses such vehicle exclusively for transporting his own property between farms and the usual local trading places and not for hire shall not be required to include the weight of any trailer being towed for registration purposes.

Approved February 28, 1961.

CHAPTER 257

S. B. No. 250
(Longmire)

LICENSING OF CAB DRIVERS

AN ACT

To amend and reenact section 39-06-01 of the North Dakota Century Code, relating to municipal licensing of taxi drivers.

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

§ 1. Amendment.) Section 39-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-01. 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 chapter.

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, except that municipalities may license dray-

men, parcel delivery men, bus drivers, taxi drivers, porters, expressmen, watermen, and others pursuing like occupations, and the operation of taxicabs, as provided by subsection 27 of section 40-05-01.

Approved March 1, 1961.

CHAPTER 258

H. B. No. 807
(Burk)

POSSESSION OF OPERATOR'S LICENSE OR PERMIT

AN ACT

To amend and reenact section 39-06-16 of the North Dakota Century Code, relating to the carrying of one's operator's license or permit in his possession at all times.

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

§ 1. Amendment.) Section 39-06-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-16. 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 county justice, 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 or assessed any court costs 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.

Approved March 8, 1961.

CHAPTER 259

H. B. No. 652

(Maragos, Saugstad, Haugland,
(Aamoth, Balerud)

DRIVING UNDER THE INFLUENCE

AN ACT

To amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to persons driving motor vehicles while under the influence of intoxicating liquor or narcotic drugs, and providing penalties therefor.

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

§ 1. Amendment.) Subsection 2 of section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Upon a first conviction or a subsequent conviction not within an eighteen-month period, any person violating any provision of this section shall be punished by a fine of not less than twenty-five 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. Upon a second or subsequent conviction within an eighteen-month period, such person shall be punished by imprisonment in the county jail for not less than three days nor more than ninety days, and in the discretion of the court, a fine of not more than one thousand dollars. The minimum penalty provided in this section for punishment for a second or subsequent conviction within an eighteen-month period shall be mandatory notwithstanding any other provision of law.

Approved March 7, 1961.

CHAPTER 260

S. B. No. 81

(Longmire and Redlin)

CARE IN OPERATION OF MOTOR VEHICLES

AN ACT

To amend and reenact section 39-09-01 of the North Dakota Century Code, relating to care required in operating motor vehicles on the highways of this state.

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

§ 1. **Amendment.)** Section 39-09-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-01. Care Required in Operating Vehicle.) Any person driving a vehicle on a highway shall drive the same in a careful and prudent manner having due regard to the traffic, surface and width of the highway and any other conditions then existing. No person shall drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.

Approved February 25, 1961.

CHAPTER 261

S. B. No. 78

(Kee, Erickson, Holand, Lips, Redlin,
(Hernett, and Garaas)

SPEED LIMITATIONS

AN ACT

To amend and reenact section 39-09-02 of the North Dakota Century Code, relating to speed limitations.

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

§ 1. **Amendment.)** Section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-02. Speed Limitations.) a. Subject to the provisions of section 39-09-01 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 when the driver's view of the highway ahead is obstructed within a distance of one hundred feet;
5. Twenty-five miles an hour on any highway in a business district or in a residence district or in a public park, unless a different speed limit is designated and posted by local authorities; and
6. Except as provided in subsection e of this section sixty miles an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

b. Except as provided in subsection e of this section the highway commissioner may designate and post special areas of the state highways where the maximum speed limit of seventy miles an hour is permitted for passenger vehicles from sunrise to sunset. For the purposes of this section a pickup truck not exceeding a gross weight of eight thousand pounds shall be regarded as a passenger vehicle. The highway commissioner may also designate and post special areas of state highways where lower speed limits shall be observed as he shall deem warranted by conditions.

c. Except as provided by law it shall be unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.

d. In charging 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 prescribes shall be prima facie lawful at the time and place of the alleged offense.

e. The highway commissioner may designate and post special areas of controlled access highways, commonly called interstate highways, where the maximum speed limit of seventy-five miles an hour is permitted for passenger vehicles from sunrise to sunset, and sixty-five miles an hour is permitted for passenger vehicles from sunset to sunrise, and where the maximum speed limit of sixty miles per hour is permitted for trucks day and night. It shall be unlawful for any person to drive a vehicle upon interstate highways at a speed that is unsafe or at a speed prohibited by this subsection.

Approved March 17, 1961.

CHAPTER 262

S. B. No. 305

(Committee on Delayed Bills)
(Erickson)

RULES OF OPERATION

AN ACT

To amend and reenact subsection 2 of section 39-10-01 of the North Dakota Century Code, relating to the general rules of the road regarding the operation of vehicles upon highways and elsewhere throughout the state, and declaring an emergency.

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

§ 1. Amendment.) Subsection 2 of section 39-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The provisions of chapter 39-08, relating to reckless driving, driving while intoxicated, aggravated reckless driving, and negligent homicide shall apply upon highways and elsewhere throughout the state.

§ 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 3, 1961.

CHAPTER 263

S. B. No. 180

(Hystad)

TURN SIGNALS ON MOTOR VEHICLES

AN ACT

To amend and reenact section 39-11-10.1 of the North Dakota Century Code, relating to the requirement for turn signals on motor vehicles.

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

§ 1. **Amendment.)** Section 39-11-10.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-11-10.1. Turn Signals on Motor Vehicles.) No person shall sell, offer to sell, or operate upon the highways of this state any motor vehicle manufactured or assembled after January 1, 1952 unless it is equipped with turn signals in good working order and of a type approved by the motor vehicle registrar, under the provisions of title 39.

Approved February 23, 1961.

CHAPTER 264

H. B. No. 843

(Bowman, Johnson, Sorlie)

RED OR GREEN LIGHTS

AN ACT

To amend and reenact section 39-11-20 of the North Dakota Century Code, relating to lights on motor vehicles.

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

§ 1. **Amendment.)** Section 39-11-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-11-20. 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, school buses, or authorized emergency vehicles.

Approved March 2, 1961.

CHAPTER 265

H. B. No. 620

(Education Committee)

SCHOOL BUSES, SPECIAL EQUIPMENT

AN ACT

To amend and reenact section 39-11-36 of the North Dakota Century Code, relating to special lighting and warning equipment and specifications for school buses.

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

§ 1. **Amendment.)** Section 39-11-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-11-36. Special Lighting and Warning Equipment on School Buses, Standards for 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, but supplemental thereto.

Only motor vehicles which have been designed by the manufacturer for the purpose of carrying passengers shall be used as school buses. The superintendent of public instruction may adopt reasonable regulations relating to the construction, design, operation, equipment and color of school buses and shall prepare and publish standards for North Dakota school buses which shall set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways and elsewhere of any school bus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation.

Highway patrolmen and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

Approved March 2, 1961.

CHAPTER 266

H. B. No. 854

(Meyer, Mueller, Breum, Tescher)

HAYSTACK MOVERS

AN ACT

To amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to width limitations on vehicles and equipment operated on the highways of this state and providing for an exception for haystack moving.

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

§ 1. Amendment.) Subsection 1 of section 39-12-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to construction and building moving contractor's equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, which moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset; nor shall such limitation apply to farmers or ranchers or employees under their supervision when moving hay in the stack for his or their own use or in cooperation with other owners, providing that equipment used for this purpose shall be operated along the extreme right edge of the road or highway, and shall be operated only between the hours of sunrise and sunset and in accordance with reasonable rules and regulations prescribed by the state highway commissioner; nor shall such limitation apply to a commercial haystack mover who shall have first obtained a seasonal haystack moving permit from the state highway commissioner. The fee for such permit shall be fifteen dollars which shall be in lieu of registration requirements while such vehicle is used for haystack moving only. Applicant shall have filed proof of liability insurance coverage in an amount not less than five thousand dollars and shall provide a red flag both to the front and to the rear of such haystack at all times when located upon any public highway and shall operate only between the hours of

sunrise and sunset and in accordance with such additional reasonable rules and regulations as may be prescribed by the state highway commissioner.

Approved March 17, 1961.

CHAPTER 267

S. B. No. 172

(Murphy)

SPECIAL COUNSEL FOR ATTORNEY GENERAL

AN ACT

To amend and reenact section 39-17-04.1 of the North Dakota Century Code, providing for appointment of special counsel for the attorney general.

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

39-17-04.1. Empowering Attorney General to Appoint Special Counsel.) The attorney general at his discretion may appoint special counsel to defend the fund. The trial judge of the district court shall fix the amount of such special attorney's fees and expenditures, and certify such amount, to the attorney general who, after approving, shall certify same to the administrator of the unsatisfied judgment fund.

Approved February 25, 1961.

CHAPTER 268

H. B. No. 611
(Burk)

RESTORATION OF DRIVER'S PERMIT

AN ACT

To amend and reenact section 39-17-10 of the North Dakota Century Code, relating to amount to be repaid before privileges are restored after revocation of driver's permit.

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

§ 1. Amendment.) Section 39-17-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-17-10. Amount To Be Repaid Before Privileges Restored — Interest — Installment Payments Permissible.) Where the driver's license or driving privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or revoked pursuant to the laws of this state, and the state treasurer has paid from the fund any amount toward the satisfaction of a judgment and costs recovered against such person, the suspension or revocation shall not be removed, nor the driver's license or driving privileges or registration restored, nor any new license or driving privilege issued or granted to or registration be permitted to be made by such person until he has repaid in full to the state treasurer the amount so paid from such fund, together with interest thereon at the rate of two percent per annum from the date of such payment; and has furnished proof of financial responsibility as required by the laws of this state; provided that the court in which such judgment was rendered, may, upon ten days notice to the attorney general, making an order permitting payment of the amount which such person is indebted to the fund, to be paid in installments, and in such case, such person's driver's license, or his driving privileges, or registration privileges, if the same have been suspended or revoked, or have expired, may be restored and shall remain in effect until and unless such person defaults in making any installment payment specified in such order. In the event of any such default, the commissioner shall, upon notice of such default, suspend such person's driver's license, or driving privileges, or registration privileges until the amount of default has been paid in full and the additional sum of \$200.00 has been paid to the fund to be applied to the judgment.

Approved March 8, 1961.

CHAPTER 269

S. B. No. 89

(Garaas, Erickstad)

TEST FOR INTOXICATION

AN ACT

To amend and reenact sections 39-20-01, 39-20-03, and 39-20-07 of the North Dakota Century Code, relating to the alcoholic content in the blood for purposes of determining intoxication and relating to the test to be given for such purpose and the consent of a person incapable of refusal to give consent to a chemical test, and limiting liability.

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

§ 1. **Amendment.)** Section 39-20-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-01. Implied Consent to Determine Alcoholic Content of Blood.) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent subject to the provisions of this chapter to a chemical test, or tests, of his blood, breath, saliva, or urine for the purpose of determining the alcoholic content of his blood. The test or tests shall be administered at the direction of a law enforcement officer only after placing such person except persons mentioned in section 39-20-03 under arrest and informing him that he is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor. The arresting officer shall determine which of the aforesaid tests shall be used.

§ 2. **Amendment.)** Section 39-20-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-03. Consent of Person Incapable of Refusal Withdrawn.) Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed to have withdrawn the consent provided by section 39-20-01 and the test or tests may not be given. Nothing herein shall prevent the taking of the test or tests from a dead person.

§ 3. **Amendment.)** Section 39-20-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-07. Interpretation of Chemical Tests.) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by a chemical analysis of his blood, breath, saliva or urine is admissible. For the purpose of this section:

1. A person having, at that time, five-hundredths of one percent or less by weight of alcohol in his blood is presumed not to be under the influence of intoxicating liquor;
2. Evidence that there was at that time more than five-hundredths of one percent and less than ten-hundredths of one percent by weight of alcohol in the person's blood is relevant evidence, but it is not to be given prima facie effect in indicating whether the person was under the influence of intoxicating liquor;
3. A person having, at that time, ten-hundredths of one percent or more by weight of alcohol in his blood shall be presumed to be under the influence of intoxicating liquor;
4. Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred milligrams of blood;
5. The results of a test given by means of the Harger Drunkometer or other similar device approved by the American Medical Association and the National Safety Council shall be received in evidence when it is shown that the test was fairly administered.

§ 4. Liability.) If any licensed physician, nurse, technician or an employee of a hospital who shall draw blood from any person pursuant to a request of any arresting officer he shall not be liable in any civil action for damages arising out of said act except for gross negligence.

Approved March 11, 1961.

CHAPTER 270

S. B. No. 252

(Erickstad, Garaas)

DRIVER'S LICENSE REVOCATION, REVIEW

AN ACT

To amend and reenact sections 39-20-05 and 39-20-06 of the North Dakota Century Code, relating to administrative and judicial review of an order of revocation of driver's license arising from refusal to take a chemical test to determine degree of intoxication.

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

§ 1. **Amendment.)** Section 39-20-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-05. Administrative Hearing on Request.) Upon the written request of a person whose privilege to drive has been revoked or denied the commissioner shall grant the person an opportunity to be heard within ten days after the receipt of the request, but the request must be made within sixty days after notice of revocation or denial is given such person. The hearing shall be before the commissioner or his authorized agent in the county wherein the alleged events occurred for which the person was arrested, unless the commissioner or his authorized agent and the person agree that the hearing may be held in some other county. The hearing shall be transcribed and its scope shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor; whether the person was placed under arrest; and, whether he refused to submit to the test or tests. Whether the person was informed that his privilege to drive would be revoked or denied if he refused to submit to the test or tests shall not be an issue. The commissioner or his authorized agent shall order either that the revocation or denial be rescinded or sustained.

§ 2. **Amendment.)** Section 39-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-06. Judicial Review.) If the revocation or denial is sustained, the person whose license or permit to drive or non-resident operating privilege has been revoked or denied, may

file a petition within sixty days after notice of revocation or denial is given such person by the commissioner or his authorized agent, for a hearing of the matter in the district court in the county wherein the alleged events occurred for which he was arrested or in the county in which the administrative hearing was held. It shall be the duty of the court to set the matter for hearing, and the petitioner shall give twenty days' notice thereof to the commissioner. Within fifteen days after the receipt of the notice, the commissioner shall file in the office of the clerk of the court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It shall constitute the record on which appeal shall be determined. No additional evidence shall be heard. The court shall affirm the decision of the commissioner or his authorized agent unless it finds the evidence insufficient to warrant the conclusion reached by the commissioner. The court may in its discretion direct that the matter be returned to the commission for rehearing and the presentation of additional evidence.

Approved March 4, 1961.