

MOTOR VEHICLES

CHAPTER 378

SENATE BILL NO. 2069
(Legislative Council)
(Interim Judiciary "C" Committee)

REGISTRATION AND TITLING REQUIREMENTS

AN ACT to create and enact a new subsection to section 39-01-01, five new sections to chapter 39-04, a new subdivision to subsection 2 of section 39-04-18, and eight new sections to chapter 39-05 of the North Dakota Century Code, relating to the definition of "used vehicle", notification of a registrant's change of address, refusal to register a vehicle, personalized automobile number plates, antique automobile number plates, alteration or forging of registration cards, exemptions from registration, certificate of title requirement, exclusions from the certificate of title requirement, salvage certificates of title, allowing officers of the department to administer oaths, issuance of a salvage certificate of title, delivery of a title certificate, release of a security interest, and grounds for refusing issuance of a title certificate; and to amend and reenact sections 39-04-01, 39-04-02, 39-04-04, 39-04-05, 39-04-06, 39-04-10, 39-04-11, 39-04-12, 39-04-15.1, subdivision a of subsection 2 of section 39-04-18, section 39-04-36, subsection 3 of section 39-04-37, sections 39-04-44, 39-04-54, 39-05-01, 39-05-05, 39-05-09, 39-05-11, 39-05-19, 39-05-20, 39-05-21, and 39-05-27 of the North Dakota Century Code, relating to definitions, the application for registration, the department's files, refusal to register, rescission or suspension of registration, special plates for amateur radio station license holders, display of number plates, transfer of number plates, installment registration fees, vehicles which need not be registered, farm truck registration, change of registration, transfer of number plates, violations, credits on destroyed vehicles, contents of the registration card, the department's refusal to license a vehicle until application for a title certificate is made, contents of the certificate of title, issuance of the title certificate, altering a title certificate, transfer of title to a vehicle, obtaining a certificate of title when ownership is obtained by other than voluntary means, transferee's obtaining a new title certificate upon failure to obtain the old certificate, refusing issuance of a title certificate, and possession of title certificates by dealers in used vehicles; and to repeal sections 39-04-29 and 39-04-43 of the North

Dakota Century Code, relating to delivery of title and number plates for antique automobiles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. A new subsection to section 39-01-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

"Used vehicle" means a motor vehicle which has been sold, bargained, exchanged, given away, or the title to which has been transferred to another, by the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer.

SECTION 2. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

CHANGE OF ADDRESS. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card such person shall within ten days thereafter notify the department in writing of his old and new addresses.

SECTION 3. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

REFUSAL TO REGISTER VEHICLE - REVOKING REGISTRATION - APPEAL.

1. If the department determines that an applicant for registration of a vehicle is not entitled to registration, it may refuse to register the vehicle. The applicant shall have no further right to apply for registration on the statements contained in the application unless the department reverses its decision or its decision is reversed by a court of competent jurisdiction.
2. The department may, after giving notice to the owner and an opportunity for a hearing, revoke the registration of a vehicle if it determines that the vehicle is not entitled to registration. The notice shall be served in person or by registered or certified mail.

SECTION 4. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

PERSONALIZED PLATES. The department may, in its discretion, provide special plates marked with initials, letters, or combinations of numerals and letters at the request of the registrant, upon application therefor and upon payment of an additional fee of one hundred dollars. The special plates shall contain not more than six letters or a combination of not more than six numerals and letters. In the event of sale or transfer of the

vehicle, the special plates may be surrendered and, upon application, a regular license plate shall be issued without additional cost, or upon payment of the applicable registration fee, the special plates shall be transferred to the replacement motor vehicle.

SECTION 5. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

ANTIQUÉ AUTOMOBILES - LICENSE AND FEE. Any motor vehicle which is at least forty years old may be permanently licensed by the department upon the payment of a registration fee of ten dollars. The department shall design and issue a distinctive number plate for this purpose.

SECTION 6. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

ALTERING OR FORGING REGISTRATION CARD - PENALTY. It is a class C felony for any person to:

1. Alter with fraudulent intent any registration card issued by the department;
2. Forge or counterfeit any registration card purporting to have been issued by the department under the provisions of this chapter;
3. Alter or falsify with fraudulent intent or forge any assignment of a registration card; or
4. Use any registration card, or assignment, knowing the same to have been altered, forged, or falsified.

* SECTION 7. AMENDMENT. Section 39-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-01. DEFINITIONS. In this chapter, unless the context or subject matter otherwise requires:

- ~~1. "Commercial-freighting" means the carriage of things other than passengers, for hire, except that such terms shall not include:~~
 - ~~a. The carriage of things other than passengers within the limits of the same city;~~
 - ~~b. The carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or in the immediate vicinity thereof, in this state, and not to exceed two miles [1.61 kilometers] from the corporate limits of said city; or~~

* NOTE: Section 39-04-01 was also amended by section 25 of House Bill No. 1069, chapter 91.

- e. ~~Hauling done by farmers for their neighbors in transporting agricultural products to or from market.~~
2. ~~"Commercial passenger transportation" means the carriage of passengers for hire, except that such term shall not include:~~
- a. ~~The carriage of passengers within the limits of a city, or~~
- b. ~~The carriage by local bus lines of passengers to or from a railroad station from or to places within any city or within two miles [1.61 kilometers] of the limits thereof.~~
3. ~~"Dealer" means every person, partnership, or corporation engaged in the business of buying, selling, or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling, or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, or association doing business in several cities or in several locations within a city shall be considered a separate dealer in each such location.~~
4. "Essential parts" includes all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.
- 5- 2. "Foreign vehicle" means every motor vehicle which shall be brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.
6. ~~"Gross weight" means the total of the unloaded weight of the vehicle, or combination of vehicles, and the load carried thereon.~~
- 7- 3. "Reconstructed vehicle" means any vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used. A reconstructed vehicle may be registered upon the payment of the same fees for the calendar year that are paid for a motor vehicle of comparable make and year as the reconstructed vehicle, ~~excluding penalties as provided in section 39-04-16 and~~ nonuse fees as provided in section 39-04-18.
4. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.

- 8- 5. "Specially constructed vehicle" means any vehicle which shall not have been constructed originally under the distinct name, make, model, or type, by a generally recognized manufacturer of vehicles.

SECTION 8. AMENDMENT. Section 39-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-02. APPLICATION FOR THE REGISTRATION OF A MOTOR VEHICLE - CONTENTS. Application for the registration of a motor vehicle shall be made as is provided in this section:

1. Application shall be made by the owner thereof upon appropriate forms approved or furnished by the registrar department, and every application shall be signed by the owner and shall contain his county of residence, address, and a brief description of the vehicle to be registered, including the name of the maker, either the engine, serial, or identification number, if any, whether new or used, and the last license number known, and the state in which issued, and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such the vehicle. The application shall contain such other information as may be required by the registrar department.
2. If the motor vehicle for which registration is sought is a specially constructed, reconstructed, or foreign vehicle, such the facts shall be stated in the application. The owner of every foreign--motor vehicle which has been registered outside of this state shall exhibit to the registrar department the certificate of the title and registration card or such other evidence as will satisfy the registrar department that the applicant is the lawful owner or possessor of the vehicle.
3. ~~If--the--motor--vehicle--for--which--registration--is--sought--has--a--manufacturer's--identification--number--other--than--on--the--engine--such--identification--number--shall--be--included--in--the--application--and--when--so--registered--such--identification--number--shall--be--deemed--to--include--the--engine--number-~~
- 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 registration or 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.

- 5- 4. In applying for ~~such certificate of title~~ registration the buyer shall state his post-office address and the county and city or township of his residence and the dealer shall make specific inquiry relative thereto before ~~filling such information in completing~~ the application blank.

SECTION 9. AMENDMENT. Section 39-04-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-04. REGISTER OF APPLICANTS TO BE KEPT BY THE DEPARTMENT - DESTRUCTION OF APPLICATION. The department shall file each application received, and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the described vehicle therein described and the owner thereof in suitable books or electronic data processing files or on index cards or film as follows:

1. Under a distinctive registration number assigned to the vehicle and ~~to the its owner thereof~~, referred to in this chapter as the registration number~~7~~.
2. Alphabetically under the name of the owner~~7~~ and.
3. Numerically by the serial or identification number of the vehicle.
4. In the discretion of the department, in any other manner it may deem desirable.

Such The application may be destroyed by the department after it is two years old.

SECTION 10. AMENDMENT. Section 39-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-05. GROUNDS FOR REFUSING REGISTRATION ~~OR CERTIFICATE OF TITLE~~. The department shall refuse registration or any transfer of registration ~~and shall not issue a certificate of title or transfer a certificate of title~~ upon any of the following grounds:

1. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to ~~the issuance of a certificate of title or~~ registration of the vehicle under this chapter.
2. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.
3. That the department has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration would constitute a fraud against

the rightful owner or other person having valid lien upon ~~such~~ the vehicle.

4. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state.
5. That the required fee has not been paid.
6. When any sales tax or motor vehicle excise tax, properly due, has not been paid.
7. For failure to maintain security for payment of basic no-fault benefits and the liabilities covered under motor vehicle liability insurance on a motor vehicle as required by chapter 26-41.

The registrar of motor vehicles shall promulgate rules and regulations for the refusal of the registration ~~or--certificate--of~~ title of ~~motor~~ vehicles not equipped as required by chapter 39-21.

SECTION 11. AMENDMENT. Section 39-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-06. WHEN REGISTRATION RESCINDED OR SUSPENDED. The department shall rescind or suspend the registration of a ~~motor~~ vehicle for any of the following:

1. When the department ~~shall--determine--that~~ determines a vehicle is unsafe or unfit to be operated or is not equipped as required by law.
2. Whenever the person to whom the registration card or registration number plates therefor have been issued ~~shall~~ make makes or ~~permit--to--be--made~~ permits any unlawful use of the same or ~~permit~~ permits the use thereof by a person or on a ~~motor~~ vehicle not entitled thereto.
3. Whenever the commissioner finds that a vehicle is registered in accordance with a reciprocity agreement, arrangement, or declaration and ~~such~~ the vehicle is operated in violation of ~~such~~ the agreement.
4. When the department ~~shall--determine~~ determines that a motor vehicle is not covered by security for payment of basic no-fault benefits and the liabilities covered under motor vehicle liability insurance as required by chapter 26-41.
5. When the department is satisfied that the registration or registration card, plate, or permit was fraudulently or erroneously issued.
6. When a registered vehicle has been dismantled or wrecked.

7. When a registration card, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued.
8. When the department determines that the owner has committed any offense under this chapter involving the registration or the registration card, plate, or permit to be suspended or rescinded.
9. When the purchaser or transferee of a vehicle fails to present the endorsed and assigned certificate of title to the department for transfer and make application for a new certificate of title within thirty days as required by section 39-05-17.

Any registration suspended for any of the above reasons shall be restored upon compliance with the laws governing ~~motor~~ vehicle registration.

Whenever a check is returned to the department for want of payment the department shall rescind the registration of the ~~motor~~ vehicle covered by ~~such~~ the check.

Any registration rescinded for want of payment of a check shall be restored upon payment of the registration fee and the additional sum of ten dollars for the cost of collection of the check.

SECTION 12. AMENDMENT. Section 39-04-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-10. SPECIAL PLATES FOR AMATEUR RADIO STATION LICENSE HOLDERS. Owners of motor vehicles required to be registered under subdivisions a and b of subsection 2 of section 39-04-19, who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, Washington, D.C., may receive special plates. The plates will be issued upon application to the registrar--of--motor--vehicles department, accompanied by proof of ownership of ~~such~~ the amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws, ~~shall be issued. The special number plates will be issued~~ in lieu of the number plates ordinarily issued, upon which and shall be have inscribed on them the official amateur radio call letters of such the applicant as assigned by the federal communications commission. Such applications The application must be filed by October first prior to the year of issuance.

~~The--registrar--of--motor--vehicles--shall--furnish--to--the--sheriff--of--each--county--in--the--state--of--North--Dakota--an--alphabetically--arranged--list--of--the--names--and--special--plate--letters--of--each--person--to--whom--a--plate--is--issued--under--the--provisions--of--this--section,--and~~

~~it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.~~

* SECTION 13. AMENDMENT. Section 39-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-11. DISPLAY OF NUMBER PLATES AND TABS. Except as otherwise specifically provided, no person shall operate or drive a ~~motor~~ vehicle on the public highways of this state unless ~~such~~ the vehicle shall have a distinctive number assigned to it by the ~~register~~ department, and two number plates, bearing ~~such~~ the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of ~~such~~ the vehicle, each securely fastened, except number plates assigned to a motorcycle, trailer, or house trailer shall be attached to the rear thereof. The bottom of each number plate shall be at a height of not less than twelve inches above the level surface upon which the vehicle stands. As far as is reasonably possible, ~~such~~ the plates shall at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year shall be removed from ~~such~~ the vehicle. All ~~motor~~ vehicle license plates issued by the ~~register~~ department shall continue to be the property of the state of North Dakota for the period for which ~~said~~ the plates are valid. An annual registration tab or sticker for the current registration year shall be displayed on each number plate in those years for which ~~such~~ tabs or stickers are issued in lieu of number plates.

SECTION 14. AMENDMENT. Section 39-04-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-12. CONTENTS OF NUMBER PLATES - SIZE OF LETTERS AND NUMERALS ON PLATES - REFLECTORIZED - TABS OR STICKERS - ADDITIONAL FEE.

1. Number plates shall be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and shall be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all ~~such~~ number plates shall be legible for a minimum distance of one hundred feet [30.48 meters] to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each plate shall be treated with a reflectORIZED material according to the specifications prescribed by the ~~register--of--motor vehicles~~ department. The ~~register~~ department shall furnish ~~such~~ number plates for a period to be determined by the ~~register~~ department, which period shall not be less than four years. In any year during which number

* NOTE: Section 39-04-11 was also amended by section 2 of House Bill No. 1309, chapter 381.

plates are not furnished the registrar department shall furnish for each annual registration a year plate, tab, or sticker to designate the year registration. This The plate, tab, or sticker shall show the calendar registration year for which issued, and is valid only for that year. It shall be unlawful for any person to transfer to another vehicle the number plate, tab, or sticker during the period or calendar year for which issued, except as hereinafter provided in section 39-04-36 and elsewhere in this chapter.

~~A registration plate currently assigned to a motor vehicle may be transferred to a similar replacement motor vehicle at the owner's request, upon payment of the appropriate registration fees applicable to the replacement vehicle and a three-dollar transfer fee. A new registration plate shall be assigned to the motor vehicle being replaced.~~

~~The registrar may, in his discretion, provide special plates marked with initials, letters, or combinations of numerals and letters at the request of the registrant, upon application therefor and upon payment of an additional fee of one hundred dollars, in the event of sale or transfer of the vehicle, the special plates may be surrendered and upon application, a regular license plate shall be issued without additional cost or upon payment of the applicable registration fee, be transferred to the replacement motor vehicle.~~

2. The registrar department may, in his its discretion, provide to an owner of a fleet of ten or more trailers which are offered for lease and rented to the public, number plates which shall be for a period of not more than six consecutive years and which shall be exempt from the requirements of annual validation evidence. The registration fees for such trailers may be paid for the entire period for which the plates are issued, or the fees may be paid for the first year of the issue and a corporate surety bond may be filed in such sum as the registrar department deems reasonable and adequate in the circumstances, conditioned that the owner will pay the annual fee at the beginning of each annual registration period.

* SECTION 15. AMENDMENT. Section 39-04-15.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-15.1. INSTALLMENT REGISTRATION OF VEHICLES LICENSED FOR A GROSS WEIGHT IN EXCESS OF THIRTY-SIX THOUSAND POUNDS [16329.33 KILOGRAMS] - DELINQUENCIES - PENALTY. All motor vehicles registered for a gross weight in excess of thirty-six thousand pounds [16329.33 kilograms] may be registered by the payment of registration fees in two installments, each equal to one-half of the annual fee. Such installments shall be due on January first and July first of each year and delinquent on February first, and August first,

* NOTE: Section 39-04-15.1 was also amended by section 26 of House Bill No. 1069, chapter 91.

respectively. A penalty, ~~in addition to that provided in section 39-04-16,~~ of twenty-five dollars shall be added to any installment delinquent under the provisions of this section. When any vehicle is initially registered between installment dates hereunder, the ~~registrar~~ department may prorate the fee in equal installments consisting of the date of such initial registration and any unexpired installment dates. The license plates shall be issued upon the payment of the first installment, plus five dollars, but upon default in the payment of any installment, the ~~registrar~~ department shall cause the license plates to be removed from the vehicle involved and shall not reissue them until the installment plus penalties have been paid.

SECTION 16. A new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The crossing shall be made at an angle of approximately ninety degrees to the direction of the highway.

SECTION 17. AMENDMENT. Subdivision a of subsection 2 of section 39-04-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. Farm tractors as defined in subsection 17 of section 39-01-01, special mobile equipment and road rollers and other road construction or maintenance machinery that cannot be operated on the highways and streets of this state in a normal operating manner.

SECTION 18. AMENDMENT. Section 39-04-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-36. TRANSFER OF REGISTRATION AND NUMBER PLATES UPON TRANSFERRING OR ASSIGNING TITLE - EXCEPTION.

1. Whenever the owner of a vehicle registered under the provisions of this chapter transfers or assigns his title thereto or interest therein, the registration of ~~such~~ the vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as provided in this chapter. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year except ~~that--the~~ as provided in this chapter.
2. A registration plate currently assigned to a vehicle may be transferred to a similar replacement vehicle at the owner's request, upon payment of the appropriate registration fees applicable to the replacement vehicle

and a three dollar transfer fee. A new registration plate shall be assigned to the vehicle being replaced.

3. The owner of a vehicle registered for a gross weight in excess of thirty-six thousand pounds [16329.33 kilograms] may transfer registration and number plates from one truck to a replacement truck by compliance with procedures established by the registrar department. The truck from which such the registration and number plates are transferred shall not be operated upon the highways of this state until properly licensed therefor under the provisions of this chapter.

SECTION 19. AMENDMENT. Subsection 3 of section 39-04-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. To lend to any registration number plate or registration card to any person not entitled thereto, or knowingly to permit the use by one not entitled thereto of any registration number plate issued to the person so lending or permitting the use thereof or registration card by any person not entitled thereto.

SECTION 20. AMENDMENT. Section 39-04-44 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-44. CREDITS ON DESTROYED VEHICLE. Any owner of a motor vehicle licensed or taxed in this state, if such vehicle is permanently and involuntarily destroyed, may during the same year or following year claim a refund in 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. ~~Any person or organization who completely destroys or completely dismantles a car or truck so as to cause that car or truck to lose its identity shall forward the title for this vehicle to the registrar of motor vehicles within ten days. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content specified by the registrar,~~ provided the number plates, registration card, and certificate of title are returned to the department. If the number plates or registration card assigned to the vehicle are destroyed, a refund may be obtained upon furnishing information of such fact satisfactory to the department. Upon receiving the certificate of title, the department shall issue a salvage certificate of title.

SECTION 21. AMENDMENT. Section 39-04-54 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-54. REGISTRATION CARD - ISSUANCE - CONTENTS - SIGNING. Upon registering a motor vehicle, the department shall issue to the

applicant owner a registration card which shall set forth all of the following:

1. The date issued.
2. The registration number assigned ~~to the applicant and~~ to the vehicle.
3. A description of the registered vehicle, including either ~~the engine,~~ serial, or identification number.
4. A space for the signature of the applicant owner.
5. ~~Such other~~ The name of the owner.
6. Other statements of fact as may be determined necessary by the department.

SECTION 22. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

CERTIFICATE OF TITLE REQUIRED. Except as otherwise provided in this chapter, every owner of a vehicle which is in this state and for which no certificate of title has been issued shall make application to the department for a certificate of title to the vehicle.

SECTION 23. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

EXCLUSIONS FROM THE CERTIFICATE OF TITLE REQUIREMENT. No certificate of title need be obtained for:

1. A vehicle owned by the United States unless it is registered in this state.
2. A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or a vehicle used by a manufacturer solely for testing.
3. A vehicle owned by a nonresident of this state and not required by law to be registered in this state.
4. A vehicle regularly engaged in interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state.
5. A vehicle moved solely by human or animal power.
6. Implements of husbandry.

7. Special mobile equipment.
8. A self-propelled invalid wheelchair or invalid tricycle.
9. Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The vehicle shall cross the highway at an angle of approximately ninety degrees to the direction of the highway.
10. Other vehicles not required to be registered in this state or not required to display distinctive plates.

SECTION 24. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

SALVAGE CERTIFICATE OF TITLE. The department shall issue a salvage certificate of title for a salvaged or destroyed vehicle when the owner of the vehicle has returned the certificate of title for the vehicle to the department. The department shall prescribe the form and content of the salvage certificate of title.

SECTION 25. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

ADMINISTRATION OF OATHS. Officers and employees of the department designated by the registrar may administer oaths for the purposes of this chapter, but shall not charge any fee therefor.

SECTION 26. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

ISSUANCE OF SALVAGE CERTIFICATE OF TITLE. Any person or organization who completely destroys or completely dismantles a vehicle so as to cause that vehicle to lose its identity shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title.

If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The application shall be accompanied by a certificate of inspection in the form and with the contents specified by the department, surrender of the salvage certificate of title, and the payment of a three dollar fee.

SECTION 27. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

CERTIFICATE OF TITLE TO BE DELIVERED. Every person, firm, or corporation upon the sale and delivery of any vehicle for which a certificate of title is required shall within fifteen days after sale deliver to the vendee a certificate of title covering the vehicle endorsed according to law. If the vehicle is subject to any liens, the certificate of title shall be delivered to the first lienholder.

SECTION 28. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

RELEASE OF A SECURITY INTEREST.

1. Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, the lienholder shall, within ten days after demand, and in any event within thirty days, execute a release of the lienholder's security interest as the department prescribes. The lienholder shall:
 - a. Mail or deliver the certificate of title and release to the next lienholder named on the certificate of title, who shall, within thirty days of receipt, mail or deliver the certificate of title, release, and a fee of three dollars to the department. The department shall issue and mail or deliver a new certificate of title to the first lienholder named on the new certificate of title.
 - b. If there are no other lienholders named on the certificate of title, mail or deliver the certificate of title and release to the owner or any other person who delivers to the lienholder an authorization from the owner to receive the certificate of title and release. The person receiving the certificate of title and release shall, within thirty days of receipt, mail or deliver the certificate of title, release, and a fee of three dollars to the department. The department may prescribe further application procedures and, upon determining that there has been a proper compliance with these procedures, shall issue a new certificate of title and mail or deliver it to the owner or any person the owner authorizes to receive it.
2. Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten days after demand and, in any event within thirty days, execute a release in the form the department prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The

lienholder in possession of the certificate of title shall either deliver the certificate of title to the owner or the person authorized by him for delivery to the department; or, upon receipt of the release, mail or deliver it with the certificate of title to the department which shall, upon the payment of a three dollar fee, issue a new certificate.

SECTION 29. A new section to chapter 39-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

GROUNDS FOR REFUSING CERTIFICATE OF TITLE. The department shall not issue a certificate of title or transfer a certificate of title upon any of the following grounds:

1. When the application contains any false or fraudulent statements or when the applicant has failed to furnish required information or reasonable additional information requested by the department or when the applicant is not entitled to the issuance of a certificate of title under this chapter.
2. When the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.
3. When the department has reason to believe the vehicle is a stolen or embezzled vehicle or the granting of title would constitute a fraud against the rightful owner or other person having valid lien upon the vehicle.
4. When the certificate of title is suspended or revoked for any reason as provided in the motor vehicle laws of this state.
5. When the required fee has not been paid.
6. When any sales tax or motor vehicle excise tax, properly due, has not been paid.
7. For failure to provide security for payment of basic no-fault benefits and the liabilities covered under motor vehicle liability insurance on a motor vehicle as required by chapter 26-41.

SECTION 30. AMENDMENT. Section 39-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-01. DEFINITIONS DEFINITION. In this chapter, unless the context or subject matter otherwise requires+

1. "Dealer" means every person, partnership, or corporation engaged in the business of buying, selling, or exchanging motor vehicles, or who advertises, or holds himself out to

~~the public as engaged in the buying, selling, or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, or association doing business in several cities or in several locations within a city shall be considered a separate dealer in each such location.~~

- 2--~~"Legal owner" means a person who holds the legal title to a vehicle.~~
- 3--~~"Motor, "motor vehicle" includes a house trailer or mobile home and any semitrailer designed to be towed by a truck tractor.~~
- 4--~~"Registered owner" means a person who holds legal possession of a vehicle but does not hold legal title.~~
- 5--~~"State" includes a state, district, or organized or unorganized territory of the United States of America.~~
- 6--~~"Used vehicle" means a motor vehicle which has been sold, bargained, exchanged, given away, or the title of which has been transferred from the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "secondhand" within the ordinary meaning of such term.~~

SECTION 31. AMENDMENT. Section 39-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-05. APPLICATION FOR CERTIFICATE OF TITLE - CONTENTS - FEE TO ACCOMPANY.

1. An application for a certificate of title shall be made upon an appropriate form furnished or approved by the department and shall contain all of the following:
 - 1- a. A full description of the ~~motor~~ vehicle, including the name of the ~~make~~ manufacturer, either the engine, serial, or identification number, and any other distinguishing marks ~~thereon~~.
 - 2- b. A statement as to whether the vehicle is new or used.
 - 3- c. A statement of the applicant's title and of any liens or encumbrances upon ~~said~~ the vehicle.
 - 4- d. The name and address of the person to whom the certificate shall be delivered.
 - e. The names and addresses of any lienholders in the order of their priority and the dates of their security agreements.

- f. If the vehicle for which certificate of title is sought is a specially constructed, reconstructed, or foreign vehicle, such facts shall be stated in the application.
- g. The buyer's street address, city, and county, or township and county, of residence and the dealer shall make specific inquiry relative thereto before filling in such information on the application.
- 5- h. Such other information as the department may require.
2. The owner of every vehicle which has been registered outside of this state shall surrender to the department the certificate of title and registration card or other evidence which may satisfy the department the applicant is the lawful owner or possessor of the vehicle.
3. If the vehicle for which certificate of title is sought is a new vehicle, no certificate of title shall be issued unless a certificate of origin executed by the manufacturer of such vehicle is attached to the application for registration or is attached to the application for the certificate of title for the vehicle. If the new vehicle for which certificate of title is sought is of foreign manufacture, the certificate of origin shall be furnished by the importer of the vehicle. The manufacturer or importer of all new vehicles shall designate the total shipping weight of the vehicle on the certificate of origin.
4. When a new ~~motor~~ vehicle is purchased from a dealer, the application for the certificate of title shall include a statement of the transfer by the dealer and of any lien retained by ~~such~~ the dealer or other lienholder. If the title to ~~such~~-a the vehicle is reserved by the dealer or other lienholder, the certificate shall be made out to the dealer or lienholder and delivered to him as the ~~legal~~ ~~owner~~ owner or lienholder of the vehicle.
5. Every application shall be accompanied by a fee of three dollars, which shall be in addition to any fee charged for the registration of such vehicle.

SECTION 32. AMENDMENT. Section 39-05-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-09. ISSUANCE, CONTENTS, DELIVERY, AND TERM OF CERTIFICATE.

1. After checking the application for a certificate as provided in section 39-05-08, the department, if it is satisfied that the applicant is the person entitled to the

possession of the vehicle, shall issue ~~in---the~~ a certificate of title which shall contain:

- a. The name of the owner ~~a-certificate-of-title-bearing-a serial.~~
 - b. The vehicle identification number, ~~the.~~
 - c. The signature of the registrar, and the seal of ~~his~~ the office. ~~Such-certificate-shall-set-forth--further the~~
 - d. The date issued, ~~a.~~
 - e. A description of the vehicle as determined by the department, ~~a.~~
 - f. A statement of the owner's title and of all liens or encumbrances upon the vehicle therein described and whether possession is held by the legal owner or lienholder.
2. Upon the reverse side of such certificate shall be contained forms for the assignment of title or interest and warranty thereof by the owner with a space for the notation of liens and encumbrances upon such vehicle at the time of a transfer.
 3. The amount of any lien or encumbrance upon the vehicle need not be shown anywhere on the certificate of title, only the fact of such lien or encumbrance, and the identity of the lienholder or encumbrancer. The department shall deliver the certificate of title to the owner or first lienholder. ~~Said~~ The certificate shall be good for the life of the vehicle as long as the vehicle is owned or held by the original holder of such the certificate.

SECTION 33. AMENDMENT. Section 39-05-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-11. ALTERING OR FORGING CERTIFICATE OF TITLE OR REGISTRATION-CARD - PENALTY. Any person who shall:

1. Alter with fraudulent intent any certificate of title ~~or registration-card~~ issued by the department;
2. Forge or counterfeit any certificate of title ~~or registration-card~~ purporting to have been issued by the department under the provisions of this chapter;
3. Alter or falsify with fraudulent intent or forge any assignment of a certificate of title ~~or registration-card~~;
or

4. Use any certificate, ~~registration card,~~ or assignment, knowing the same to have been altered, forged, or falsified;

shall be guilty of a class C felony.

SECTION 34. AMENDMENT. Section 39-05-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-19. OBTAINING CERTIFICATE OF TITLE FOR VEHICLE WHEN OWNERSHIP OBTAINED BY OTHER THAN VOLUNTARY MEANS. Whenever the ownership of any ~~motor~~ vehicle shall pass otherwise than by voluntary transfer, the ~~new-legal-owner~~ transferee may obtain a certificate of title ~~therefor~~ for the vehicle from the department upon application ~~therefor~~ for the certificate and payment of a fee of three dollars. The application for the certificate shall be accompanied with such by instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title in or to chattels in such case. The department, when satisfied of the genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto.

SECTION 35. AMENDMENT. Section 39-05-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-20. TRANSFEREE MAY OBTAIN NEW CERTIFICATE OF TITLE UPON INABILITY TO OBTAIN OLD CERTIFICATE.

1. When the transferee of a ~~motor~~ vehicle is unable to obtain a properly assigned certificate of title for ~~such~~ a vehicle, and makes application for a new certificate and presents satisfactory proof of ownership, the department may cancel the old certificate and issue a new certificate to ~~such~~ the transferee.
2. A person holding a certificate of title whose interests in the vehicle have been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate. The action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of the owner or lienholder listed in the old certificate.

SECTION 36. AMENDMENT. Section 39-05-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-21. REFUSAL TO ISSUE CERTIFICATE OF TITLE ~~OR TO REGISTER VEHICLE~~ - REVOKING CERTIFICATE - APPEAL. If the department determines that an applicant for a certificate of title to a ~~motor~~ vehicle is not entitled thereto, it may refuse to issue ~~such~~ the

certificate ~~or--to-register-such-vehicle~~, and in that event, unless the department reverses its decision or its decision is reversed by a court of competent jurisdiction, the applicant shall have no further right to apply for a certificate of title ~~or-registration~~ on the statements in said the application. The department, for a like reason, after notice and hearing, may revoke the ~~registration~~ ~~already--acquired,--or--any~~ outstanding certificate of title. Said notice shall be served in person or by registered or certified mail. An appeal shall be taken in accordance with the provisions of chapter 28-32.

SECTION 37. AMENDMENT. Section 39-05-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-27. ~~USED--MOTOR~~ VEHICLE DEALER TO HAVE CERTIFICATE OF TITLE OR OTHER DOCUMENTARY EVIDENCE TO PROVE POSSESSION. Every vehicle dealer ~~in--used-or-secondhand-motor-vehicles~~ shall have in his possession a separate certificate of title assigned to such dealer, or other documentary evidence of his right to the possession of every ~~motor~~ vehicle in his possession.

SECTION 38. REPEAL. Sections 39-04-29 and 39-04-43 of the North Dakota Century Code are hereby repealed.

Approved March 19, 1981

CHAPTER 379

SENATE BILL NO. 2363
(Senator Hanson)
(Representative A. Olson)

PARKING VIOLATIONS ON STATE PROPERTY

AN ACT to create and enact a new subsection to section 39-01-15, a new subsection to section 39-06.1-06, a new subsection to section 39-10-48, and a new subsection to section 39-10-50 of the North Dakota Century Code, relating to parking spaces designated for use by physically handicapped persons on state charitable or penal institution property or on the state capitol grounds, authority of law enforcement officers to enforce traffic and parking violations on state charitable and penal institution property and on the state capitol grounds, to fees assessed for violations, and to envelopes for traffic and parking violations on state charitable and penal institution property or on the state capitol grounds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-01-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

No person may stop, stand, or park any vehicle in any designated parking space which is reserved for the physically handicapped on any state charitable or penal institution property or on the state capitol grounds unless the vehicle displays a physically handicapped identification certificate or insignia issued by the motor vehicle registrar to a physically handicapped person.

SECTION 2. PROVISION OF ENVELOPES FOR TRAFFIC AND PARKING VIOLATIONS ON STATE CHARITABLE OR PENAL INSTITUTION PROPERTY OR STATE CAPITOL GROUNDS. Preprinted envelopes shall be provided for any person who elects to post bond by mail, pursuant to section 39-06.1-02, for a violation of section 1 of this Act or any state traffic parking regulations on any state charitable or penal institution property or on the state capitol grounds.

SECTION 3. A new subsection to section 39-06.1-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

For a violation of section 1 of this Act, any municipal ordinance equivalent to section 1 of this Act, or any traffic parking regulations on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars.

SECTION 4. A new subsection to section 39-10-48 of the North Dakota Century Code is hereby created and enacted to read as follows:

Whenever any authorized law enforcement officer finds, on state charitable or penal institution property or on the state capitol grounds, a vehicle standing, stopped, or parked in a dangerous location or in violation of any official traffic control device prohibiting or restricting the stopping, standing, or parking of any vehicle, the officer shall place a written warning on the vehicle for the first offense and thereafter an authorized traffic citation may be issued. However, no traffic citation may be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session.

SECTION 5. A new subsection to section 39-10-50 of the North Dakota Century Code is hereby created and enacted to read as follows:

The state highway department, with respect to streets, roadways, and parking areas of any state charitable or penal institution and on the state capitol grounds, may authorize the purchase and placement by the director of institutions of official traffic control devices prohibiting or restricting the stopping, standing, or parking of vehicles. The placement of signs pursuant to this section shall be done when, in the department's opinion, the stopping, standing, or parking is dangerous or would unduly interfere with the free movement of traffic, especially the free flow of traffic required for proper fire protection. No person may stop, stand, or park any vehicle in violation of the restriction indicated by any official traffic control device. Any registered owner shall be presumed to have been the operator of a vehicle that is parked in violation of any official traffic control device prohibiting or restricting the stopping, standing, or parking of vehicles on any highway, state charitable or penal institution property, or on the state capitol grounds. This presumption may be rebutted by a showing of clear and convincing evidence to the contrary. However, no traffic citation may be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session, except that a written warning shall be placed on any vehicle for such a violation.

Approved April 8, 1981

CHAPTER 380

HOUSE BILL NO. 1161
(Representatives Solberg, Martinson)
(Senator Olin)

HIGHWAY PATROLMEN'S RETIREMENT

AN ACT to amend and reenact sections 39-03.1-01, 39-03.1-09, 39-03.1-10, 39-03.1-12, 39-03.1-14, 39-03.1-21, and 39-03.1-26 of the North Dakota Century Code, relating to definitions of "total disability" and "surviving spouse", contributions to and benefits under the North Dakota highway patrolmen's retirement system, and payments made under other laws; and to repeal sections 39-03.1-15, 39-03.1-16, and 39-03.1-21.1 of the North Dakota Century Code, relating to disability benefits and children's benefits under the North Dakota highway patrolmen's retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-03.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-01. DEFINITIONS. The following words and phrases as used in this chapter, unless a different meaning is plainly implied by the context, shall have the following meanings:

1. "Accumulated deductions" means the total of the amounts deducted from the salary of a contributor and paid into the fund, and standing to his credit in the fund, together with the regular interest thereon.
2. "Board" means the North Dakota highway patrolmen's retirement board.
3. "Contributor" means any person who is a member of the North Dakota highway patrol and, is subject to salary deductions to support the fund, and is employed on or after July 1, 1981.
4. "Fund" means the North Dakota highway patrolmen's retirement fund.
5. "Patrol" means the North Dakota highway patrol.

6. "Regular interest" means the interest credited on the contributor's contribution in the amount of four percent per annum.
7. ~~"Total disability" is the degree of disability which is recognized under the workmen's compensation laws as sufficient to entitle the claimant to an award for temporary total disability.~~ "Surviving spouse" means that person lawfully married to the contributor at the time of the contributor's death.

SECTION 2. AMENDMENT. Section 39-03.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-09. PAYMENTS BY CONTRIBUTORS. Every member shall be required to contribute into the fund a sum equal to ~~nine seven~~ percent of his monthly salary, but not to exceed one hundred ~~thirty-five~~ thirty-three dollars, which sum shall be deducted from his salary and credited to his account in the fund. A contributor who was paid a refund or severance allowance upon a termination of employment with the patrol and who again becomes a contributor may, at any time prior to retirement, elect to return to the fund the amount which was paid him as a refund or severance allowance plus regular interest thereon for the period during which the amount was withdrawn from the fund. All such payments must be made in full before a retirement or optional retirement allowance is granted, and, if the contributor elects to make such payment, any survivor's allowance to which his survivor would otherwise be entitled shall be reduced by an amount and for such time as will assure that the back payments will be returned to the fund. Every contributor who shall elect to make such back payments shall receive full credit under this chapter for all contributions made into the fund and for all service credits to which he might thereby be entitled.

SECTION 3. AMENDMENT. Section 39-03.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-10. CONTRIBUTIONS BY THE STATE OF NORTH DAKOTA. The state of North Dakota shall ~~annually~~ contribute to the fund a sum equal to ~~the amount contributed by patrolmen to the fund~~ twelve percent of the monthly salary or wage of a participating member. Such contribution shall not exceed two hundred twenty-eight dollars per month.

SECTION 4. AMENDMENT. Section 39-03.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-12. RETIREMENT ALLOWANCE. Each contributor qualifying under section 39-03.1-11 shall be entitled to receive from the fund, for the duration of his life, a monthly retirement allowance equal to two and ~~one-fourth~~ one-half percent of the average monthly salary, not to exceed one thousand five nine hundred dollars, for the thirty-six months of service immediately preceding retirement from the patrol, multiplied by twenty-five. For each

additional year of service over twenty-five the contributor shall be entitled to an additional one and one-half percent per month of his average salary, as determined above. Credit for additional service of at least one month of an uncompleted year of service shall be given in proportion to the number of months the additional service bears to one full year of service.

SECTION 5. AMENDMENT. Section 39-03.1-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-14. OPTIONAL RETIREMENT ALLOWANCE. Each contributor qualifying under section 39-03.1-13 shall be entitled to receive from the fund, for the duration of his life, a monthly optional retirement allowance equal to two and one-fourth one-half percent of the average monthly salary, not to exceed one thousand five nine hundred dollars, for the last thirty-six months of service, times the total number of years served.

SECTION 6. AMENDMENT. Section 39-03.1-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-21. PAYMENTS IN CASE OF DEATH. Whenever a contributor, whether or not he is receiving or is entitled to receive a retirement, optional retirement, or disability retirement allowance, with fewer than fifteen years of service dies leaving a surviving wife or children, an allowance spouse, a lump sum payment of the contributor's contributions plus regular interest shall be paid to the surviving wife until her death or prior remarriage, or, if there is no surviving wife, to the surviving children under eighteen years of age spouse. Whenever a contributor with fifteen or more years of service, whether or not he is receiving or is entitled to receive a retirement or optional retirement allowance dies leaving a surviving spouse, the surviving spouse, after attaining the age of fifty-five years, shall be paid a monthly benefit equal to fifty percent of the contributor's earned benefits. If there is no surviving wife spouse or if the contributor or surviving wife remarries, and there are no surviving children under eighteen years of age, then an allowance shall be paid to the father or mother of the contributor as specified by the contributor, if both survive, or to either parent if one survives.

Eligibility for benefits under the provisions of this section shall be effective for the widows or children of all members making contributions to the North Dakota highway patrolmen's retirement fund subsequent to July 17, 1955.

Such allowance shall be one hundred eighty-one dollars and fifty cents per month spouse dies prior to receiving benefits equal to the sum total of the contributor's contributions plus regular interest, a lump sum payment of an amount equal to the sum total of the contributor's contributions plus interest, minus any benefits already received, shall be made to the contributor's estate if there is no surviving spouse, or to the surviving spouse's estate if the surviving spouse dies prior to receiving all allowable benefits.

SECTION 7. AMENDMENT. Section 39-03.1-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-26. PAYMENTS UNDER OTHER LAWS. All payments provided for in this chapter are in addition to any other benefits now or hereafter provided for under the workmen's compensation laws of the state of North Dakota, ~~except as provided in section 39-03.1-15.~~

SECTION 8. REPEAL. Sections 39-03.1-15, 39-03.1-16, and 39-03.1-21.1 of the North Dakota Century Code are hereby repealed.

Approved March 2, 1981

CHAPTER 381

HOUSE BILL NO. 1309
(Representatives Olafson, A. Olson)
(Senator Erickson)

TRUCK TRACTOR OR SEMITRAILER NUMBER PLATE

AN ACT to amend and reenact sections 39-04-08 and 39-04-11 of the North Dakota Century Code, relating to the number and display of number plates furnished by the motor vehicle department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-08. NUMBER PLATES FURNISHED BY THE DEPARTMENT. The department shall furnish to every motor vehicle owner two number plates for each registered motor vehicle, and one number plate for each registered motorcycle, trailer, or house trailer. The department may, in its discretion, furnish only one number plate for each registered truck tractor or semitrailer.

* SECTION 2. AMENDMENT. Section 39-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-11. DISPLAY OF NUMBER PLATES AND TABS. Except as otherwise specifically provided, no person shall operate or drive a motor vehicle on the public highways of this state unless such vehicle shall have a distinctive number assigned to it by the registrar, and two number plates, bearing such number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of such vehicle, each securely fastened, except number plates assigned to a motorcycle or house trailer shall be attached to the rear thereof. When only one number plate is furnished for a truck tractor or semitrailer, the plate shall be attached to the front of the truck tractor and the rear of the semitrailer. As far as is reasonably possible, such plates shall at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year shall be removed from such vehicle. All motor vehicle license plates issued by the registrar shall continue to be the property of the state of North Dakota for the period for which said plates are valid. An annual registration tab or sticker for the current registration year shall be displayed on each number plate in those years for which such tabs or stickers are issued in lieu of number plates.

* NOTE: Section 39-04-11 was also amended by section 13 of Senate Bill No. 2069, chapter 378.

Approved March 2, 1981

CHAPTER 382

SENATE BILL NO. 2289
(Nething, Cussons)

SPECIAL EX-P.O.W. LICENSE PLATES

AN ACT to create and enact a new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicle license plates for former prisoners of war; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

Passenger motor vehicles or pickup trucks not exceeding ten thousand pounds [4535.92 kilograms] gross weight owned and operated by a resident who, while serving in the United States armed forces, was a prisoner of war and has received an honorable discharge from the United States armed forces; provided, however, that the vehicles display a distinctive license plate issued by the registrar of motor vehicles upon the payment of one dollar. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a former prisoner of war, provided that the exemption provided by this subdivision shall be allowed only with respect to one motor vehicle owned by such a former prisoner of war at any one time.

SECTION 2. MOTOR VEHICLE REGISTRAR REIMBURSED - APPROPRIATION. The cost of the former prisoner of war license plates authorized by this Act shall be paid, upon a voucher prepared by the adjutant general, from any unappropriated moneys remaining in the sinking fund for the state of North Dakota general obligation bonds, Vietnam conflict adjusted compensation series, and such moneys as may be necessary, not to exceed five thousand dollars, are hereby appropriated from the sinking fund to the adjutant general for the purposes of this Act. Payment under this section shall be based on claims submitted by the motor vehicle registrar.

Approved April 8, 1981

CHAPTER 383

HOUSE BILL NO. 1365
(Representatives Strinden, A. Hausauer, Timm)
(Senators Nething, Goodman)

MOTOR VEHICLE REGISTRATION FEES

AN ACT to amend and reenact section 1 of House Bill No. 1341, as approved by the forty-seventh legislative assembly, relating to a conditional transfer of funds to the state capital construction fund; and to amend and reenact sections 39-04-19 and 57-50-01 and subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to motor vehicle registration fees, refunds of the motor vehicle fuel and special fuel taxes, and distribution of the first one percent of the oil and gas gross production tax.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Section 1 of House Bill No. 1341, as enacted by the forty-seventh legislative assembly, is hereby amended and reenacted to read as follows:

SECTION 1. APPROPRIATION - TRANSFER. In the event that the amount of revenues deposited in the general fund of the state treasury for the fiscal year ending June 30, 1981, exceeds \$348,500,000, the director of the department of accounts and purchases shall direct the state treasurer to transfer from the general fund to the state capital construction fund the sum of \$22,189,000, which is hereby appropriated, or so much thereof as may be necessary, or the amount by which the revenues deposited in the general fund for the fiscal year ending June 30, 1981, exceeds \$348,500,000, whichever is less. In the event that the revenues deposited in the general fund of the state treasury for the fiscal year ending June 30, 1982, exceed ~~\$400,000,000~~ \$383,900,000, the director of the department of accounts and purchases shall direct the state treasurer to transfer from the general fund to the state capital construction fund the funds that are in excess of ~~\$400,000,000~~ \$383,900,000, or so much thereof as may be necessary, for the projects listed in section 2 of this Act for which funds were not previously transferred from the general fund to the capital construction fund, or the amount by which the revenues deposited in the general fund for the fiscal year ending June 30, 1982, exceed ~~\$400,000,000~~ \$383,900,000, whichever is less. In addition to other

transfers authorized by this section, if more than fifty percent of the amount appropriated in section 2 of this Act for a specific facility, in priority order, is transferred from the general fund to the capital construction fund on the dates authorized in this section, the director of the department of accounts and purchases shall direct the state treasurer to transfer the additional amounts required to complete such facility, not to exceed the total appropriation of state funds for such facility as set forth in section 2. Funds transferred pursuant to this section shall be expended by the various agencies, departments, and institutions for the construction or addition, remodeling, and equipping of buildings in accordance with specific appropriation made by the legislative assembly in section 2 of this Act.

SECTION 2. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-19. MOTOR VEHICLE REGISTRATION FEES AND MILE TAX. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the commissioner, shall pay a fee of ten dollars for a trip permit which shall be valid for a period of seventy-two hours. All fees collected under the provisions of this subsection shall be credited to the highway construction fund.
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. The minimum fee charged hereunder shall be five dollars:
 - a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th and Subsequent Years
	1,999-or-less	\$-32-00	\$-25-00	\$-19-00
2,000-2,399	34-00	27-00	20-00	15-00
2,400-2,799	36-00	29-00	22-00	15-00
2,800-3,199	38-00	30-00	23-00	16-00
3,200-3,599	42-00	33-00	25-00	17-00
3,600-3,999	46-00	37-00	28-00	19-00
4,000-4,499	56-00	45-00	34-00	23-00
4,500-4,999	72-00	57-00	43-00	29-00
5,000-5,999	100-00	80-00	60-00	40-00

6,700-6,999	130-00	104-00	78-00	52-00
7,000-7,999	160-00	128-00	96-00	64-00
8,000-8,999	190-00	152-00	114-00	76-00
9,000-and-over	220-00	176-00	132-00	88-00
1,999 or less	\$ 37.00	\$ 30.00	\$ 24.00	\$ 20.00
2,000-2,399	39.00	32.00	25.00	20.00
2,400-2,799	41.00	34.00	27.00	20.00
2,800-3,199	43.00	35.00	28.00	21.00
3,200-3,599	47.00	38.00	30.00	22.00
3,600-3,999	51.00	42.00	33.00	24.00
4,000-4,499	61.00	50.00	39.00	28.00
4,500-4,999	77.00	62.00	48.00	34.00
5,000-5,999	105.00	85.00	65.00	45.00
6,000-6,999	135.00	109.00	83.00	57.00
7,000-7,999	165.00	133.00	101.00	69.00
8,000-8,999	195.00	157.00	119.00	81.00
9,000 and over	225.00	181.00	137.00	93.00

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 twelve dollars for each passenger capacity in excess of seven. Motor passenger buses operating exclusively within the corporate limits of any city shall not be required to pay this fee.

- b. School buses, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0-4,000	\$26-00	\$21-00	\$16-00	\$15-00
4,001-6,000	31-00	25-00	20-00	15-00
6,001-8,000	36-00	29-00	23-00	15-00
8,001-10,000	41-00	34-00	26-00	16-00
10,001-12,000	47-00	38-00	29-00	18-00
12,001-14,000	52-00	42-00	32-00	20-00
14,001-16,000	57-00	46-00	35-00	22-00
16,001-18,000	62-00	50-00	38-00	24-00
18,001-20,000	68-00	55-00	42-00	26-00
20,001-22,000	73-00	59-00	45-00	27-00
22,001-24,000	78-00	63-00	48-00	29-00
0- 4,000	\$31.00	\$26.00	\$21.00	\$20.00

<u>4,001- 6,000</u>	<u>36.00</u>	<u>30.00</u>	<u>25.00</u>	<u>20.00</u>
<u>6,001- 8,000</u>	<u>41.00</u>	<u>34.00</u>	<u>28.00</u>	<u>20.00</u>
<u>8,001-10,000</u>	<u>46.00</u>	<u>39.00</u>	<u>31.00</u>	<u>21.00</u>
<u>10,001-12,000</u>	<u>52.00</u>	<u>43.00</u>	<u>34.00</u>	<u>23.00</u>
<u>12,001-14,000</u>	<u>57.00</u>	<u>47.00</u>	<u>37.00</u>	<u>25.00</u>
<u>14,001-16,000</u>	<u>67.00</u>	<u>56.00</u>	<u>45.00</u>	<u>32.00</u>
<u>16,001-18,000</u>	<u>72.00</u>	<u>60.00</u>	<u>48.00</u>	<u>34.00</u>
<u>18,001-20,000</u>	<u>78.00</u>	<u>65.00</u>	<u>52.00</u>	<u>36.00</u>
<u>20,001-22,000</u>	<u>83.00</u>	<u>69.00</u>	<u>55.00</u>	<u>37.00</u>
<u>22,001-24,000</u>	<u>88.00</u>	<u>73.00</u>	<u>58.00</u>	<u>39.00</u>

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
247001--267000	\$--176-00	\$--141-00	\$--123-00
267001--287000	211-00	169-00	148-00
287001--307000	246-00	197-00	172-00
307001--327000	281-00	225-00	197-00
327001--347000	316-00	253-00	221-00
347001--367000	351-00	281-00	246-00
367001--387000	386-00	309-00	270-00
387001--407000	421-00	337-00	295-00
407001--427000	456-00	365-00	319-00
427001--447000	491-00	393-00	344-00
447001--467000	526-00	421-00	368-00
467001--487000	561-00	449-00	393-00
487001--507000	596-00	477-00	417-00
507001--527000	631-00	505-00	442-00
527001--547000	666-00	533-00	466-00
547001--567000	701-00	561-00	491-00
567001--587000	736-00	589-00	515-00
587001--607000	771-00	617-00	540-00
607001--627000	806-00	645-00	564-00
627001--647000	841-00	673-00	589-00
647001--667000	876-00	701-00	613-00
667001--687000	911-00	729-00	638-00
687001--707000	946-00	757-00	662-00
707001--727000	981-00	785-00	687-00
727001--747000	17016-00	813-00	711-00
747001--767000	17051-00	841-00	736-00
767001--787000	17086-00	869-00	760-00
787001--807000	17121-00	897-00	785-00
807001--827000	17156-00	925-00	809-00
827001--847000	17226-00	955-00	859-00
847001--867000	17296-00	17045-00	909-00
867001--887000	17366-00	17105-00	959-00
887001--907000	17436-00	17165-00	17009-00
907001--927000	17506-00	17225-00	17059-00
927001--947000	17576-00	17285-00	17109-00
947001--967000	17646-00	17345-00	17159-00
967001--987000	17716-00	17405-00	17209-00
987001--1007000	17786-00	17465-00	17259-00

<u>100,001-102,000</u>	<u>1,785.00</u>	<u>1,752.50</u>	<u>1,730.00</u>
<u>102,001-104,000</u>	<u>1,792.60</u>	<u>1,758.50</u>	<u>1,735.00</u>
<u>104,001-105,500</u>	<u>1,799.60</u>	<u>1,764.50</u>	<u>1,740.00</u>
<u>24,001- 26,000</u>	<u>\$ 186.00</u>	<u>\$ 151.00</u>	<u>\$ 133.00</u>
<u>26,001- 28,000</u>	<u>221.00</u>	<u>179.00</u>	<u>158.00</u>
<u>28,001- 30,000</u>	<u>256.00</u>	<u>207.00</u>	<u>182.00</u>
<u>30,001- 32,000</u>	<u>296.00</u>	<u>240.00</u>	<u>212.00</u>
<u>32,001- 34,000</u>	<u>331.00</u>	<u>268.00</u>	<u>236.00</u>
<u>34,001- 36,000</u>	<u>366.00</u>	<u>296.00</u>	<u>261.00</u>
<u>36,001- 38,000</u>	<u>401.00</u>	<u>324.00</u>	<u>285.00</u>
<u>38,001- 40,000</u>	<u>436.00</u>	<u>352.00</u>	<u>310.00</u>
<u>40,001- 42,000</u>	<u>471.00</u>	<u>380.00</u>	<u>334.00</u>
<u>42,001- 44,000</u>	<u>506.00</u>	<u>408.00</u>	<u>359.00</u>
<u>44,001- 46,000</u>	<u>541.00</u>	<u>436.00</u>	<u>383.00</u>
<u>46,001- 48,000</u>	<u>576.00</u>	<u>464.00</u>	<u>408.00</u>
<u>48,001- 50,000</u>	<u>611.00</u>	<u>492.00</u>	<u>432.00</u>
<u>50,001- 52,000</u>	<u>656.00</u>	<u>530.00</u>	<u>467.00</u>
<u>52,001- 54,000</u>	<u>691.00</u>	<u>558.00</u>	<u>491.00</u>
<u>54,001- 56,000</u>	<u>726.00</u>	<u>586.00</u>	<u>516.00</u>
<u>56,001- 58,000</u>	<u>761.00</u>	<u>614.00</u>	<u>540.00</u>
<u>58,001- 60,000</u>	<u>796.00</u>	<u>642.00</u>	<u>565.00</u>
<u>60,001- 62,000</u>	<u>831.00</u>	<u>670.00</u>	<u>589.00</u>
<u>62,001- 64,000</u>	<u>866.00</u>	<u>698.00</u>	<u>614.00</u>
<u>64,001- 66,000</u>	<u>901.00</u>	<u>726.00</u>	<u>638.00</u>
<u>66,001- 68,000</u>	<u>936.00</u>	<u>754.00</u>	<u>663.00</u>
<u>68,001- 70,000</u>	<u>971.00</u>	<u>782.00</u>	<u>687.00</u>
<u>70,001- 72,000</u>	<u>1,006.00</u>	<u>810.00</u>	<u>712.00</u>
<u>72,001- 74,000</u>	<u>1,041.00</u>	<u>838.00</u>	<u>736.00</u>
<u>74,001- 76,000</u>	<u>1,076.00</u>	<u>866.00</u>	<u>761.00</u>
<u>76,001- 78,000</u>	<u>1,111.00</u>	<u>894.00</u>	<u>785.00</u>
<u>78,001- 80,000</u>	<u>1,146.00</u>	<u>922.00</u>	<u>810.00</u>
<u>80,001- 82,000</u>	<u>1,181.00</u>	<u>950.00</u>	<u>834.00</u>
<u>82,001- 84,000</u>	<u>1,251.00</u>	<u>1,010.00</u>	<u>884.00</u>
<u>84,001- 86,000</u>	<u>1,321.00</u>	<u>1,070.00</u>	<u>934.00</u>
<u>86,001- 88,000</u>	<u>1,391.00</u>	<u>1,130.00</u>	<u>984.00</u>
<u>88,001- 90,000</u>	<u>1,461.00</u>	<u>1,190.00</u>	<u>1,034.00</u>
<u>90,001- 92,000</u>	<u>1,531.00</u>	<u>1,250.00</u>	<u>1,084.00</u>
<u>92,001- 94,000</u>	<u>1,601.00</u>	<u>1,310.00</u>	<u>1,134.00</u>
<u>94,001- 96,000</u>	<u>1,671.00</u>	<u>1,370.00</u>	<u>1,184.00</u>
<u>96,001- 98,000</u>	<u>1,741.00</u>	<u>1,430.00</u>	<u>1,234.00</u>
<u>98,001-100,000</u>	<u>1,811.00</u>	<u>1,490.00</u>	<u>1,284.00</u>
<u>100,001-102,000</u>	<u>1,881.00</u>	<u>1,550.00</u>	<u>1,334.00</u>
<u>102,001-104,000</u>	<u>1,951.00</u>	<u>1,610.00</u>	<u>1,384.00</u>
<u>104,001-105,500</u>	<u>2,021.00</u>	<u>1,670.00</u>	<u>1,434.00</u>

c. Motorcycles:

- (1) Without sidecar, six dollars per motorcycle.
- (2) With sidecar, ten dollars per unit.

d. A house car shall be subject to registration at the corresponding rate prescribed for trucks under subdivision b of subsection 2, and the registrar shall

issue distinctive plates for each house car registered.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 as codified into 38 U.S.C. 1901 shall be exempt from the payment of state sales or use tax and, if paid, such veterans shall be entitled to a refund. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a disabled veteran, provided that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter shall be furnished registration plates upon the payment of one of the following annual fees:
 - a. Ten dollars for trailers and farm trailers which are not semitrailers, including trailers which are offered for lease or rent to the public.
 - b. Ten dollars per axle, limited to a maximum of thirty dollars, for semitrailers and farm trailers which are semitrailers, when the gross weight, not including the weight of the towing vehicle, does not exceed twenty-four thousand pounds [10886.22 kilograms].
 - c. Ten dollars for semitrailers when the gross weight, not including the weight of the towing vehicle, exceeds twenty-four thousand pounds [10886.22 kilograms].

Every trailer, semitrailer, or farm trailer not required to be registered under this chapter shall be furnished an identification plate upon the payment of a fee of five dollars.

5. Trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds [10886.66 to 37194.57 kilograms] which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds [10886.66 to 37194.57 kilograms] owned, or leased for a minimum period of one year by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial

retail or wholesale business being conducted from such farms, nor otherwise for hire.

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
24,700±-26,700	\$-86.00	\$-69.00	\$-52.00	\$-31.00
26,700±-28,700	96.00	77.00	58.00	35.00
28,700±-30,700	106.00	85.00	64.00	39.00
30,700±-32,700	116.00	93.00	70.00	43.00
32,700±-34,700	126.00	101.00	76.00	47.00
34,700±-36,700	136.00	109.00	82.00	51.00
36,700±-38,700	146.00	117.00	88.00	55.00
38,700±-40,700	156.00	125.00	94.00	59.00
40,700±-42,700	166.00	133.00	100.00	63.00
42,700±-44,700	176.00	141.00	106.00	67.00
44,700±-46,700	186.00	149.00	112.00	71.00
46,700±-48,700	196.00	157.00	118.00	75.00
48,700±-50,700	206.00	165.00	124.00	79.00
50,700±-52,700	216.00	173.00	130.00	83.00
52,700±-54,700	226.00	181.00	136.00	87.00
54,700±-56,700	236.00	189.00	142.00	91.00
56,700±-58,700	246.00	197.00	148.00	95.00
58,700±-60,700	256.00	205.00	154.00	99.00
60,700±-62,700	266.00	213.00	160.00	103.00
62,700±-64,700	276.00	221.00	166.00	107.00
64,700±-66,700	286.00	229.00	172.00	111.00
66,700±-68,700	296.00	237.00	178.00	115.00
68,700±-70,700	306.00	245.00	184.00	119.00
70,700±-72,700	316.00	253.00	190.00	123.00
72,700±-74,700	326.00	261.00	196.00	127.00
74,700±-76,700	336.00	269.00	202.00	131.00
76,700±-78,700	346.00	277.00	208.00	135.00
78,700±-80,700	356.00	285.00	214.00	139.00
80,700±-82,700	366.00	293.00	220.00	143.00
24,001-26,000	\$ 96.00	\$ 79.00	\$ 62.00	\$ 41.00
26,001-28,000	106.00	87.00	68.00	45.00
28,001-30,000	116.00	95.00	74.00	49.00
30,001-32,000	131.00	108.00	85.00	58.00
32,001-34,000	141.00	116.00	91.00	62.00
34,001-36,000	151.00	124.00	97.00	66.00
36,001-38,000	161.00	132.00	103.00	70.00
38,001-40,000	171.00	140.00	109.00	74.00
40,001-42,000	181.00	148.00	115.00	78.00
42,001-44,000	191.00	156.00	121.00	82.00
44,001-46,000	201.00	164.00	127.00	86.00
46,001-48,000	211.00	172.00	133.00	90.00
48,001-50,000	221.00	180.00	139.00	94.00
50,001-52,000	241.00	198.00	155.00	108.00
52,001-54,000	251.00	206.00	161.00	112.00
54,001-56,000	261.00	214.00	167.00	116.00
56,001-58,000	271.00	222.00	173.00	120.00

<u>58,001-60,000</u>	<u>281.00</u>	<u>230.00</u>	<u>179.00</u>	<u>124.00</u>
<u>60,001-62,000</u>	<u>291.00</u>	<u>238.00</u>	<u>185.00</u>	<u>128.00</u>
<u>62,001-64,000</u>	<u>301.00</u>	<u>246.00</u>	<u>191.00</u>	<u>132.00</u>
<u>64,001-66,000</u>	<u>311.00</u>	<u>254.00</u>	<u>197.00</u>	<u>136.00</u>
<u>66,001-68,000</u>	<u>321.00</u>	<u>262.00</u>	<u>203.00</u>	<u>140.00</u>
<u>68,001-70,000</u>	<u>331.00</u>	<u>270.00</u>	<u>209.00</u>	<u>144.00</u>
<u>70,001-72,000</u>	<u>341.00</u>	<u>278.00</u>	<u>215.00</u>	<u>148.00</u>
<u>72,001-74,000</u>	<u>351.00</u>	<u>286.00</u>	<u>221.00</u>	<u>152.00</u>
<u>74,001-76,000</u>	<u>361.00</u>	<u>294.00</u>	<u>227.00</u>	<u>156.00</u>
<u>76,001-78,000</u>	<u>371.00</u>	<u>302.00</u>	<u>233.00</u>	<u>160.00</u>
<u>78,001-80,000</u>	<u>381.00</u>	<u>310.00</u>	<u>239.00</u>	<u>164.00</u>
<u>80,001-82,000</u>	<u>391.00</u>	<u>318.00</u>	<u>245.00</u>	<u>168.00</u>

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the motor vehicle department and upon payment of a fee of twenty-five dollars.

SECTION 3. AMENDMENT. Section 57-50-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-01. REFUND OF TAX PROVIDED FOR - REDUCTION FOR AGRICULTURALLY DERIVED ALCOHOL MOTOR VEHICLE FUEL TAX FUND. Any person who shall buy or use any motor vehicle fuel as defined in subsection 2 of section 57-54-03, for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the state of North Dakota on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time hereinafter provided, the amount of such tax paid by him upon the presentation to and the approval of the tax commissioner of a claim for refund. Provided, however, the amount of the tax refund provided for in this section shall be reduced by one-eighth cent per gallon [3.79 liters], and the one-eighth cent per gallon [3.79 liters] withheld from the refund shall be deposited in the agriculturally derived alcohol motor vehicle fuel tax fund. Those persons who have a valid tax assignment permit issued by the state tax commissioner under the provisions of section 57-50-11.1 shall be charged one-eighth cent per gallon [3.79 liters] by the dealer and the one-eighth cent charge shall be remitted to the state tax commissioner by the dealer when the dealer submits the tax assigned invoices for credit. Those aviation gasoline fuel taxes collected, upon which no refund is claimed and those revenues remaining as unclaimed refunds under the provisions of the statutory refunds on aviation gasoline and aviation motor fuels are hereby appropriated, in accordance with the time limitations as provided by law, and used exclusively for construction, reconstruction, repair, maintenance, and operation of small landing strips near highways and communities in this state and for the purchase of necessary land required therefor and shall be administered and expended by the state of North Dakota aeronautics commission for the above purpose.

The refunds provided under this section from July 1, 1981, through June 30, 1983, for all fuels taxed under chapters 57-52 and 57-54, except those fuels used in aircraft or with respect to refunds claimed under section 57-50-05, shall be reduced by one cent per gallon. This one cent per gallon not refunded during the period July 1, 1981, through June 30, 1983, shall be transferred to township road and bridge funds or to the appropriate county fund in the case of unorganized townships. Each township, or county in the case of unorganized townships, shall receive a sum based upon the proportionate number of miles of township roads within the organized or unorganized township as compared with the total number of miles of township roads in the state. These funds are to be used for the construction or maintenance of township roads and may not be used to purchase road building or road maintenance equipment. No township, or county in the case of unorganized townships, shall receive any funds under this subsection unless that township is levying, for the current budget year, at least ninety-five percent of the mill levies authorized by law. If a township is not levying at the ninety-five percent level, the moneys to which they would be entitled under this subsection shall instead be deposited by the state treasurer in the highway tax distribution fund. The state treasurer may adopt rules, pursuant to chapter 28-32, necessary to the administration of this allocation to townships during the 1981-1983 biennium.

SECTION 4. AMENDMENT. Subsection 1 of section 57-51-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. First an amount equal to one percent of the gross value at the well of the oil and gas upon which a tax is collected under this chapter shall be deposited with the state treasurer, who shall ~~credit--it--to--the--general--fund~~ distribute the revenues in the following manner.
 - a. For taxes received between July 1, 1981, and June 30, 1983:
 - (1) The treasurer shall first distribute an amount which, when added to that distributed to townships from nonrefunded motor vehicle fuel and special fuel taxes under section 57-50-01, will result in a total distribution to townships under these two sections of eight million dollars for the 1981-83 biennium. The same distribution formula shall be used for moneys allocated to townships under this section as under 57-50-01;
 - (2) The treasurer shall next distribute an amount which, when added to the sum distributed under paragraph 1 above, does not exceed thirty-two million dollars for the 1981-83 biennium, to the highway tax distribution fund established under section 54-27-19; and

(3) The treasurer shall finally distribute any amount over thirty-two million dollars generated by this subsection for the 1981-83 biennium to the state general fund.

b. For any taxes received after June 30, 1983, all revenues shall be credited to the state general fund.

Approved April 6, 1981

CHAPTER 384

SENATE BILL NO. 2166
(Committee on Transportation)
(At the request of the Highway Department)

OPERATOR'S LICENSE

AN ACT to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to the use of medical advice by the highway commissioner in making driver licensing decisions; to amend and reenact sections 39-06-07, 39-06-13, 39-06-18, 39-06-19, subsection 1 of section 39-06-40.1, and section 39-06.1-11 of the North Dakota Century Code, relating to the number of attempts to pass the drivers license test, the fee for duplicate licenses, the expiration of drivers licenses issued in 1976 through 1978, the offense of altering driver license documents, and issuance of temporary restricted licenses after conviction of driving under suspension or revocation; and to repeal subsection 4 of section 39-06-14 of the North Dakota Century Code, relating to acceptance by the highway department of a certificate of driving experience in lieu of a driving examination for class 1 or 2 licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

MEDICAL ADVICE - USE BY COMMISSIONER.

1. The commissioner is authorized to seek professional medical advice from any physician authorized to practice in this state, and to use that advice in decisions made by the commissioner in regard to the issuance, renewal, suspension, revocation, or cancellation of driver's licenses pursuant to this chapter. The advice may be received in any manner deemed advisable by the commissioner or his authorized agent.
2. In addition to advice sought and received pursuant to subsection 1 of this section, the commissioner may consider information and advice received from an individual applicant's or driver's personal physician. Any examination and report requested by the applicant or

driver or required to be taken and provided by the commissioner pursuant to this chapter shall be at the expense of the applicant or driver.

3. Any physician providing advice to the commissioner or his authorized agent pursuant to subsection 1 of this section shall incur no liability for any opinion, recommendation, or advice provided.
4. Advice and information received by the commissioner or his authorized agent pursuant to subsection 1 of this section which relates to an individual applicant or driver is for the confidential use of the commissioner or his authorized agent in making decisions on the individual's qualifications as a driver, and the information shall not be divulged to any person or used in evidence in any trial or proceeding except in matters concerning the individual's qualifications to receive or retain a driver's license.
5. General advice and information received by the commissioner or his authorized agent pursuant to this section, in addition to other sources of information, may be used by the commissioner in the adoption of administrative rules concerning medical criteria for driver licensing.

SECTION 2. AMENDMENT. Section 39-06-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-07. 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.
2. Every said application shall state the full name, date of birth, sex, residence and mailing address and briefly describe the applicant. In signing the application the applicant shall be deemed to have certified that all information contained on the application is true and correct and shall be accompanied by the proper fee. ~~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.~~ The application shall also provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.1. 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 the driver's record

from such other jurisdiction. When received, the driving record shall become a part of the driving record in this state with the same force and effect as though entered on the driving record in this state in the original instance.

4. Whenever the commissioner receives a request for a driving record from another licensing jurisdiction the record shall be forwarded without charge.

SECTION 3. AMENDMENT. Section 39-06-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-13. EXAMINATION OF APPLICANTS. The highway patrol shall examine every applicant for an operator's license, except as otherwise provided in this chapter. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state. An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall also be required, but may be waived for those applicants who have successfully passed such a test in some other state, ~~province, or territory~~. 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. After three unsuccessful attempts to pass, within any six-month period, all parts of any license examination required to be taken pursuant to this chapter, no person shall be allowed to make another attempt to pass any unsuccessfully attempted parts of the license examination within four months of the last unsuccessful attempt.

SECTION 4. AMENDMENT. Section 39-06-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-18. DUPLICATE CERTIFICATES. In the event that a permit or license issued under the provisions of this chapter is lost, mutilated, or destroyed, or contains erroneous information due to a change in name, address, or for any other reason, 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, or is erroneous, and upon payment of a ~~one~~ three dollar fee.

SECTION 5. AMENDMENT. Section 39-06-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-19. EXPIRATION OF LICENSE - RENEWAL. Every operator's license issued under the provisions of this chapter shall expire and be renewed according to the following schedule: The expiration date of operator's license for every person whose year of birth occurred in a year ending in an odd numeral shall be twelve midnight on the

anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an even numeral shall be twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. ~~Notwithstanding the foregoing provisions, during the period between July 1, 1976, and June 30, 1978, every person whose year of birth occurred in a year ending in an even numeral shall be issued a two-year license if that person's day of birth is an odd numeral, or a four-year license if that person's day of birth is an even numeral. Also, between July 1, 1976, and June 30, 1978, every person whose year of birth occurred in a year ending in an odd numeral shall be issued a two-year license if that person's day of birth is an odd numeral, or a four-year license if that person's date of birth is an even numeral. The fee established pursuant to this section and pursuant to section 39-06-14 shall be prorated accordingly.~~ Application with fee for renewal of license shall be presented to the commissioner not prior to ninety days before the expiration date of the operator's license. The commissioner may require an examination of an applicant as upon an original application. Every application for renewal of a license by an applicant under the age of twenty-one or over the age of seventy shall be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. An application for a motor vehicle operator's license from an applicant applying for first license under the age of twenty-one may be accompanied by a certificate of examination from a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant, in lieu of the eye examination conducted by the driver licensing authorities. No certificate of examination shall be dated more than six months prior to the date of the driver license application. Every person submitting application and fee for renewal of license one year or more after expiration of license, except an applicant whose military, or merchant marine service, as defined in section 16-18-01, has terminated less than sixty days prior to such application, shall be treated as a new driver and subject to the examination as upon an original application. The fee for every operator's license shall be eight dollars.

SECTION 6. AMENDMENT. Subsection 1 of section 39-06-40.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. It shall be unlawful for any person to print, photograph, photostat, duplicate, alter, or in any way reproduce any operator's or driver's license or permit or facsimile thereof, or to print, photograph, photostat, duplicate, alter, or in any way reproduce any document used in the production of any operator's or driver's license or permit or facsimile thereof, in such a manner that it would be mistaken for a valid license or document containing valid

information, or to display or have in his possession any such print, photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of the North Dakota law.

SECTION 7. AMENDMENT. Section 39-06.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-11. TEMPORARY RESTRICTED LICENSE. When the licensing authority has suspended a license, pursuant to section 39-06.1-10, or when the commissioner has revoked a license pursuant to section 39-20-04, or when the commissioner has extended a suspension or revocation pursuant to section 39-06-43, for a period in excess of seven days, the authority may, for good cause, upon receiving written application from the licensee affected, issue a temporary restricted operator's license valid, after seven days of the suspension period have passed, for the remainder of the suspension period. The restricted license may authorize the use of a motor vehicle only during the licensee's normal working hours, or may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section shall be deemed a violation of section 39-06-17.

SECTION 8. REPEAL. Subsection 4 of section 39-06-14 of the North Dakota Century Code is hereby repealed.

Approved March 19, 1981

CHAPTER 385

HOUSE BILL NO. 1197
(Committee on Transportation)
(At the request of the Highway Department)

OPERATOR'S LICENSE SUSPENSION

AN ACT to amend and reenact section 39-06-27, subsection 4 of section 39-06-32, section 39-06-33, subsection 2 of section 39-06-37, subsection 1 of section 39-06.1-10, and section 39-20-05 of the North Dakota Century Code, relating to the sufficiency of evidence used by the highway commissioner for drivers license action, the adequacy of the commissioner's records for such action, and the sufficiency of the notice to drivers of impending or concluded drivers license decisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-27. SUSPENDING LICENSES UPON CONVICTION, SUSPENSION, OR REVOCATION IN ANOTHER STATE. The commissioner may 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. This section shall not be construed as authorizing the assessment of points against a resident driver's record in accordance with chapter 39-06.1, except upon conviction of a resident driver for a criminal offense in another state which is equivalent to one of those offenses defined in section 39-06.1-05. No suspension or revocation shall be imposed for convictions for driving under suspension or revocation in another state if a valid North Dakota license or permit was in effect at the time of the violation. For the purposes of this section, photostatic copies of the records of the drivers licensing authority of the other state shall be sufficient evidence whether or not they are certified copies.

Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked in any other state pursuant to a law providing for the suspension or revocation for failure to deposit security for the payment of

judgments arising out of a motor vehicle accident, under circumstances which would require the commissioner to suspend a nonresident's operating privileges had the accident occurred in this state, the commissioner shall suspend the license of such resident if he was the driver of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence satisfactory to the commissioner of his compliance with the laws of such other state relating to the deposit of security or payment of a judgment arising out of a motor vehicle accident, to the extent that such compliance would be required if the accident had occurred in this state.

SECTION 2. AMENDMENT. Subsection 4 of section 39-06-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Commissioner--of--an--offense Refusal to submit to an implied consent chemical blood-alcohol test in another state ~~which if--committed--in--this--state--would--be--grounds--for--revocation.~~ For purposes of this subsection the specific requirements for establishing a refusal used in the other state shall not be considered, and photostatic copies of the records of the other states' drivers licensing authority shall be sufficient evidence of the refusal whether or not those copies are certified. The suspension shall be for the same length of time as the revocation in section 39-20-04.

SECTION 3. AMENDMENT. Section 39-06-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-33. HEARINGS PRIOR TO SUSPENSION. In matters of driver's license suspension arising under the provisions of section 39-06-32, the commissioner shall first give notice of intention to suspend to the licensee. The licensee shall have ten days from the date of receipt of such notice to request, in writing, a hearing upon the intended suspension.

Any hearing conducted under this section shall be before the commissioner or his authorized agent and shall be heard within ~~thirty~~ sixty days of the receipt of the request for hearing and in the county of the licensee's residence, however, the parties may agree to a different time and place for the hearing. 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 evidentiary matter. At the hearing, the regularly kept records of the commissioner may be introduced and shall establish prima facie the contents thereof without further foundation.

Within twenty days of the completion of the hearing, the commissioner or his authorized agent shall issue a written order evincing the determination made. The mailing of the decision and the resulting order by regular mail to the address recorded in the

files of the commissioner pursuant to section 39-06-20 shall be sufficient notice. In the event a suspension is ordered, a reexamination of the licensee may be required.

SECTION 4. AMENDMENT. Subsection 2 of section 39-06-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If any person fails immediately to return to the commissioner any license or permit which has been canceled, suspended, or revoked, the order of the commissioner shall authorize any highway patrolman or peace officer to secure possession thereof and return the same to the commissioner. A suspension, revocation, or cancellation ordered under this title shall be deemed to have commenced when the order is delivered to the licensee at his address of record in the department pursuant to section 39-06-20. Constructive delivery under this section shall be considered as occurring forty-eight hours after ~~proper deposit in the mails~~ the order is mailed to the person by regular mail.

SECTION 5. AMENDMENT. Subsection 1 of section 39-06.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-10. ENTRIES AGAINST DRIVING RECORD - LICENSING AUTHORITY DUTIES - HEARINGS - DEMERIT SCHEDULE - SUSPENSION.

1. When a report of a conviction of a traffic offense, or admission or adjudication of a traffic violation is received by the licensing authority, the licensing authority shall proceed to enter the proper number of points on the licensee's driving record, unless the number points assigned to the violation are two or less. If the number points assigned to the violation are two or less the violation and points shall not be entered on the driving record but shall be recorded separately, and the separate record shall not be available to the public. Points from violations in which the assigned number points are two or less shall be considered a part of the driving record only for purposes of point reduction pursuant to section 39-06.1-13 and for purposes of license suspension. When the driving record shows that the licensee has an accumulated point total of twelve or more points, assigned on the basis of the schedule contained in subsection 3 of this section, the authority shall notify the licensee of its intention to suspend the operator's license and of the availability of an administrative hearing. If the licensee makes a written request for a hearing within ten days after mailing of the notice, the hearing shall be held in accordance with the applicable provisions of chapter 28-32. At the hearing the records of the commissioner may be introduced and shall establish prima

facie the contents thereof without further foundation. Notice of the opportunity for hearing and of the decision and the resulting order of the commissioner shall be sufficient if mailed by regular mail to the licensee's address on file with the commissioner pursuant to section 39-06-20. For the purposes of this chapter, the licensing authority may also receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

SECTION 6. 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. Prior to issuing an order of revocation or denial under section 39-20-04, the commissioner shall give such person a written notice of intention to revoke or deny and afford him an opportunity for a hearing. If the commissioner receives a written request within ten days, he shall ~~grant~~ hold such hearing within ~~thirty~~ sixty days. 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. At the hearing, the regularly kept records of the commissioner may be introduced and shall establish prima facie the contents thereof without further foundation. The commissioner or his authorized agent shall promptly make findings of fact, conclusions, and decision, ~~and give notice thereof,~~ as provided for in section 28-32-13. Notice of the decision and resulting order of the commissioner shall be sufficient if mailed by regular mail to the address on file with the commissioner pursuant to section 39-06-20.

Approved March 31, 1981

CHAPTER 386

HOUSE BILL NO. 1180
 (Committee on Transportation)
 (At the request of the Highway Department)

TRAFFIC VIOLATION CONVICTION AND REPORT

AN ACT to amend and reenact sections 39-06-30 and 39-07-11 of the North Dakota Century Code, relating to the finality of convictions for drivers license purposes and to reports of commission of traffic violations to the licensing authority; and to repeal sections 39-06-29 and 39-08-17 of the North Dakota Century Code, relating to reports of convictions sent to the licensing authority.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
 STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-30. CONVICTION - MEANING AND EFFECT. For purposes of this title the term "conviction" means a final order or judgment of conviction by ~~a trial court having jurisdiction. Also, for the purposes of this chapter 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~~ the North Dakota supreme court or any lower court having jurisdiction provided that no appeal is pending and the time for filing a notice of appeal has elapsed. Subject to the filing of an appeal, a conviction shall include those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is suspended under chapter 12-53;
or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.

SECTION 2. AMENDMENT. Section 39-07-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-11. MAGISTRATE TO KEEP RECORD OF CONVICTIONS OF TRAFFIC VIOLATIONS - RECORDS OF CONVICTION TO BE FORWARDED TO LICENSING AUTHORITY. Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before him in which a person is charged with a violation of section 12.1-16-03 or of any provision of chapters 39-05 through 39-13, and chapters 39-21 and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. ~~Within ten days after a determination, in any manner provided by law, that a person charged has committed one of the foregoing offenses or violations~~ final order or judgment of conviction, for a violation not subject to disposition and reporting pursuant to chapter 39-06.1, by the North Dakota supreme court or any lower court having jurisdiction, provided that no appeal is pending and the time for filing a notice of appeal has elapsed, the magistrate then having jurisdiction shall forward a ~~certification~~ report of that fact to the licensing authority. Any conviction for which a report is received by the licensing authority may be deemed by the licensing authority to be final, and the licensing authority may take any action authorized by law to be taken based upon the report. Subject to the filing of an appeal, a conviction shall include those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is suspended under chapter 12-53;
or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.

SECTION 3. REPEAL. Sections 39-06-29 and 39-08-17 of the North Dakota Century Code are hereby repealed.

Approved March 26, 1981

CHAPTER 387

HOUSE BILL NO. 1338
(A. Hausauer, Martinson)

DRIVER'S LICENSE SUSPENSION EXTENSION

AN ACT to amend and reenact section 39-06-43 of the North Dakota Century Code, relating to mandatory extension of license suspension or revocation; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-43. 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 or driving privileges of ~~such~~ the person was suspended shall extend the period of ~~such~~ that suspension for an additional like period and if the original suspension was for an indefinite or unstated period of time, the additional suspension shall be for a period of six months on and after ~~such~~ the date the person would otherwise have been entitled to the return of license or privileges. If, however, the original suspension of driving privileges resulted solely from failure to appear in court or to post and forfeit bond on noncriminal traffic violations, there shall be no additional period of suspension. If the conviction was upon a charge of driving while a license or driving privileges was revoked, the commissioner shall not issue a new license for an additional period of one year from and after the date ~~such~~ the person would otherwise have been entitled to apply for a new license.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved March 11, 1981

CHAPTER 388

HOUSE BILL NO. 1595
(Rued, A. Olson)

NONCRIMINAL TRAFFIC OFFENSE BOND POSTING

AN ACT to amend and reenact sections 39-06.1-02 and 39-07-07 of the North Dakota Century Code, relating to the posting of bond for noncriminal traffic offenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-02. TRAFFIC VIOLATIONS NONCRIMINAL - EXCEPTIONS - PROCEDURES. Any person cited, in accordance with the provisions of sections 39-07-07 and 39-07-08, for a traffic violation under state law or municipal ordinance, other than an offense listed in section 39-06.1-05, shall be deemed to be charged with a noncriminal offense and may appear before the designated official and pay the statutory fee for the violation charged at or prior to the time scheduled for a hearing, or, if he has posted bond in person, as provided by section 39-07-07, or by mail, he may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, he may make a statement in explanation of his action, and the official may at that time, in his discretion, waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the official designated in the citation shall be identical to the statutory fee established by section 39-06.1-06. Within ten days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority:

1. Admission of the violation; and
2. In speeding violations, whether the speed charged was in excess of the lawful speed limit by more than nine miles [14.48 kilometers] per hour and the miles [kilometers] per hour by which the speed limit was exceeded.

This section shall not be construed as allowing a halting officer to receive the statutory fee or bond, unless he is otherwise authorized by law to do so.

SECTION 2. AMENDMENT. Section 39-07-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-07. HALTING PERSON FOR VIOLATING TRAFFIC REGULATIONS - DUTY OF OFFICER HALTING. Whenever any person is halted for the violation of any of the provisions of chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city ordinances, the officer halting such person, except as otherwise provided in section 39-07-09, may:

1. Take the name and address of such person;
2. Take the license number of his motor vehicle; and
3. Issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

A halting officer employed by any political subdivision of the state may not take a person into custody or require that person to proceed with the officer to any other location for the purpose of posting bond, where the traffic violation was a noncriminal offense under section 39-06.1-02. The officer shall provide the person with an envelope for use by that person to mail the bond.

Approved March 18, 1981

CHAPTER 389

HOUSE BILL NO. 1404
 (Representatives Timm, Dietz, Rued)
 (Senator Erickson)

SPEED RESTRICTIONS

AN ACT to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to limitations on the reduction of speed zone speed limits; to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to fines and points assessed against driver's licenses for violations of speed limits and the definition of moving violation; and to repeal paragraph 11 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to point assessments for certain speeding violations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
 STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 39-06.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-06. AMOUNT OF STATUTORY FEES. The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or section 39-06.1-03 shall be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee ~~in-the-amount~~ of ten dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee ~~in-the-amount~~ of twenty dollars.
3. For a violation of section 39-09-02, or an equivalent ordinance, the penalty shall be a fee and a point assessment against the driver's license as follows:

Speed (mph)	Fee (\$)	Points
56 - 60	\$ 5	0
61 - 65	\$ 5 plus \$1/each mph over 60	1
66 - 70	\$10 plus \$1/each mph over 65	2
71 - 75	\$15 plus \$2/each mph over 70	3
76 - 80	\$25 plus \$3/each mph over 75	4
81 - 90	\$40 plus \$3/each mph over 80	6

* NOTE: Section 39-06.1-06 was also amended by section 1 of Senate Bill No. 2331, chapter 390.

91 - 100	\$70 plus \$3/each mph over 90	8
101 +	\$100 plus \$5/each mph over 100	12

~~The provisions of paragraph 11 of subdivision a of subsection 3 of section 39-06.1-10 shall only apply to violations involving speed limits less than fifty-five miles {99.51 kilometers} per hour.~~

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee ~~in the amount~~ of thirty dollars.
5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.
6. For a violation of section 39-09-02, or an equivalent ordinance, which violation is not provided for in subsection 3 of this section, the penalty shall be a fee and a point assessment against the driver's license as follows:
 - a. From one to five miles per hour in excess of the lawful limit, a fee of five dollars, and no points.
 - b. From six to ten miles per hour in excess of the lawful speed limit, a fee of ten dollars, and one point.
 - c. From eleven to fifteen miles per hour in excess of the lawful speed limit, a fee of fifteen dollars, and two points.
 - d. From sixteen to twenty-five miles per hour in excess of the lawful speed limit, a fee of twenty dollars, and four points.
 - e. Twenty-six or more miles per hour in excess of the lawful speed limit, a fee of twenty-five dollars, and six points.

* SECTION 2. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-09. "MOVING VIOLATION" DEFINED. For the purposes of section 39-06.1-06 and section 39-06.1-13, a "moving violation" means a violation of section ~~39-09-02, or an equivalent ordinance, or a violation of~~ section 39-04-22; subsection 1 of section 39-04-37; sections 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; 39-09-04.1; 39-09-09; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapters 39-10 or 39-21, or equivalent ordinances, except section 39-21-01 and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

* NOTE: Section 39-06.1-09 was also amended by section 1 of Senate Bill No. 2179, chapter 392.

SECTION 3. A new section to chapter 39-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

SPEED ZONES - REDUCTION LIMITATION. No street, road, or highway in the state highway system or any other township, county, or state road or highway may be posted in a manner which reduces the maximum speed limit on the street, road, or highway by more than twenty miles per hour between any two signs so posted in a speed zone.

SECTION 4. REPEAL. Paragraph 11 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is hereby repealed.

Approved March 26, 1981

CHAPTER 390

SENATE BILL NO. 2331
(Mutch)

HIGHWAY SPEED LIMIT

AN ACT to amend and reenact section 39-06.1-06 and subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to the fifty-five mile per hour highway speed limit; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 39-06.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-06. AMOUNT OF STATUTORY FEES. The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or section 39-06.1-03 shall be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee in the amount of ten dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee in the amount of twenty dollars.
3. For a violation of section 39-09-02, or an equivalent ordinance, the penalty shall be a fee and a point assessment against the driver's license as follows:

Speed (mph)	Fee (\$)	Points
56 - 60	\$-5	0
61 - 65	\$-5 plus \$1/each mph over 60	1
66 - 70	\$10 plus \$1/each mph over 65	2
71 - 75	\$15 plus \$2/each mph over 70	3
76 - 80	\$25 plus \$3/each mph over 75	4
81 - 90	\$40 plus \$3/each mph over 80	6
91 - 100	\$70 plus \$3/each mph over 90	9
101 +	\$100 plus \$5/each mph over 100	12

The provisions of paragraph 11 of subdivision a of subsection 3 of section 39-06.1-10 shall only apply to

* NOTE: Section 39-06.1-06 was also amended by section 1 of House Bill No. 1404, chapter 389.

violations involving speed limits less than ~~forty-five~~ sixty-five miles [~~88.5~~ 104.61 kilometers] per hour.

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee in the amount of thirty dollars.
5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.

SECTION 2. AMENDMENT. Subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. 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:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] 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 [60.96 meters] 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 [121.92 meters] in each direction from such crossing.
 - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] 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 [15.24 meters] 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 [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].

- e. Twenty-five miles [40.23 kilometers] 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.
- f. ~~Fifty-five~~ Sixty-five miles [~~80.5~~ 104.6 kilometers] an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

SECTION 3. EFFECTIVE DATE. This Act shall become effective upon the date the governor certifies to the secretary of state and to the highway commissioner that the federal restrictions on speed limits exceeding fifty-five miles per hour are no longer in effect, provided that date is before July 1, 1983.

Approved March 9, 1981

CHAPTER 391

HOUSE BILL NO. 1220
(Rued, Timm)

PENALTIES FOR DRIVING WITHOUT
LIABILITY INSURANCE

AN ACT to create and enact a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees for driving without liability insurance; and to amend and reenact paragraph 25 of subdivision a of subsection 3 of section 39-06.1-10 and section 39-08-20 of the North Dakota Century Code, increasing the number of points assessed for driving without liability insurance and prohibiting such driving.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-06.1-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

For a violation of section 39-08-20, a fee of not less than twenty-five dollars nor more than one hundred dollars.

SECTION 2. AMENDMENT. Paragraph 25 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

(25)	Operating a motor vehicle without liability insurance, as required by section 39-08-20	2 <u>6</u> points
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SECTION 3. AMENDMENT. Section 39-08-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-20. DRIVING WITHOUT LIABILITY INSURANCE - VIOLATION. No person shall drive a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of such vehicle in the amount required by chapter 39-16.1. ~~No statutory-fee-shall-be-assessed-for-a-violation-of-this-section.~~

Approved March 3, 1981

CHAPTER 392

SENATE BILL NO. 2179
(Committee on Transportation)
(At the request of the Highway Department)

MOTORCYCLE VIOLATIONS, AMBER LIGHT USE, RACING

AN ACT to create and enact a new subsection to section 39-10-03 of the North Dakota Century Code, relating to use of amber lights by class A emergency vehicles; to amend and reenact section 39-06.1-09, paragraph 14 of subdivision a of subsection 3 of section 39-06.1-10, subsection 1 of section 39-08-03.1, and subsection 2 of section 39-24-08 of the North Dakota Century Code, defining moving violations to include motorcycle violations, point assessments for racing, exhibition driving and snowmobile regulations; and to repeal section 39-10-70 of the North Dakota Century Code, relating to racing of vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-09. "MOVING VIOLATION" DEFINED. For the purposes of section 39-06.1-06 and section 39-06.1-13, a "moving violation" means a violation of section 39-09-02, or an equivalent ordinance; or a violation of section 39-04-22; subsection 1 of section 39-04-37; sections 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; 39-09-04.1; 39-09-09; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapters 39-10, 39-10.2, or 39-21, or equivalent ordinances, except section 39-21-01 and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 2. AMENDMENT. Paragraph 14 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 39-06.1-09 was also amended by section 2 of House Bill No. 1404, chapter 389.

- (14) ~~Drag Racing or drag~~ racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance 10 points

SECTION 3. AMENDMENT. Subsection 1 of section 39-08-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area ~~in a race~~, nor shall any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section shall be assessed a fee of forty dollars.

SECTION 4. A new subsection to section 39-10-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any law enforcement officer as provided in paragraph 2 of subdivision a of subsection 1 of section 39-01-01 having stopped another vehicle along a highway, and while still involved in that incident, where flashing red or combination red and white lights were used in making the stop, may switch to the use of amber lights, visible under normal atmospheric conditions for at least five hundred feet [152.4 meters], for the purpose of maintaining traffic flow.

SECTION 5. AMENDMENT. Subsection 2 of section 39-24-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The commissioner shall have the authority in the interest of public health, welfare, and safety to regulate, restrict, or prohibit, by rule or regulation, the operation of snowmobiles on those highways under his jurisdiction. The commissioner's authority to prohibit the use of snowmobiles shall be limited to the roadways, shoulders, inslopes, and medians within the right of way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in ~~sections~~ section 39-08-03.1 and ~~39-10-70~~, the commissioner may, on a case-by-case basis, permit organized and bona fide snowmobile races on the ditch bottoms, backslopes, and the top of the backslopes of the highway rights of way under his jurisdiction. The planning, organization, route selection, and safety precautions of any such race shall be the sole responsibility of the permittee. It is expressly provided that the commissioner, and the

department and the employees thereof, shall incur no liability whatsoever for permitting such races.

SECTION 6. REPEAL. Section 39-10-70 of the North Dakota Century Code is hereby repealed.

Approved March 18, 1981

CHAPTER 393

SENATE BILL NO. 2177
(Committee on Transportation)
(At the request of the Highway Department)

POINT REDUCTION METHODS

AN ACT to amend and reenact subsection 2 of section 39-06.1-13 of the North Dakota Century Code, relating to methods for reduction of points against drivers licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 39-06.1-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The point total shown on a licensee's driving record shall, during any twelve-month period, be reduced by three points when the licensee mails or delivers a certificate to the licensing authority indicating successful completion of eight hours of instruction in a driver training course approved by the licensing authority. Successful completion of eight or more hours of instruction shall be certified to by the instructor or instructors of the driver training course. The reduction in points authorized by this subsection shall only be from a point total accumulated prior to completion of the necessary hours of driver training instruction, and shall not exceed nine points during any three-year period commencing on the date of entry of the last points against the person's driving record. If on the date the licensing authority receives the certificate of completion of the driver training course from the licensee, that licensee's driving record contains twelve or more points, the point reduction authorized by this subsection shall be applied only after the period of suspension required by the number of points then on the driver's record has been served.

Approved March 3, 1981

CHAPTER 394

HOUSE BILL NO. 1638
(Hedstrom)

DRIVING WHILE UNDER THE INFLUENCE

AN ACT to amend and reenact subsection 1 of section 39-08-01 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor or controlled substances or a combination thereof.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

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

1. No person shall drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if:
 - a. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug;
 - b. He is under the influence of intoxicating liquor; ~~or~~
 - c. He is under the influence of any controlled substance to a degree which renders him incapable of safely driving; or
 - d. He is under the influence of a combination of intoxicating liquor and a controlled substance to a degree rendering him incapable of safely driving.

Approved March 26, 1981

CHAPTER 395

HOUSE BILL NO. 1484
(Richie, D. Olson)

PENALTY FOR DWI

AN ACT to amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to the penalty for driving while under the influence of intoxicating liquor or controlled substances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 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. A person violating any provision of this section is guilty of a class B misdemeanor for the first conviction in a twenty-four-month period, and of a class A misdemeanor for the second conviction in a twenty-four-month period. The minimum penalty for such violation shall be either three days in jail or a fine of one hundred dollars, or both such fine and imprisonment. Upon a second conviction for a violation occurring within eighteen months of a previous violation resulting in a prior conviction, such person shall be punished by imprisonment in the county jail for not less than three days nor more than thirty days, and in the discretion of the court, a fine of not less than one hundred fifty dollars nor more than five hundred dollars. In the event the complaint does not include the allegation that, if convicted, such conviction would be the second such or subsequent violation within the time limit as provided in this section, the court may take judicial notice of such fact if indicated by the records of the state highway department or make such finding based on other evidence.

Approved April 1, 1981

CHAPTER 396

HOUSE BILL NO. 1524
(Hughes)

EMERGENCY CARE LIABILITY

AN ACT to amend and reenact section 39-08-04.1 of the North Dakota Century Code, relating to liability arising out of emergency care provided at the scene of an accident.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-08-04.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-04.1. EMERGENCY CARE AT SCENE OF ACCIDENT - LIABILITY. Any person, ~~except a physician acting pursuant to sections 43-17-37 and 43-17-38~~, who, in good faith, shall administer emergency care at or near the scene of an accident or disaster to the victims of the accident or disaster shall not be held liable for any damages resulting from the rendering of that care.

The provisions of this section shall not be construed to relieve the person rendering emergency care from liability for injury or death to the victim proximately resulting from the intoxication, willful misconduct, or gross negligence of the person rendering the care. Further, liability is not relieved if the emergency care was rendered for remuneration or with the expectation of remuneration.

Approved March 5, 1981

CHAPTER 397

SENATE BILL NO. 2213
(Senators Vosper, Nelson)
(Representatives Olafson, A. Olson)

FARM IMPLEMENT WIDTH LIMIT

AN ACT to amend and reenact subdivision c of subsection 1 of section 39-12-04 and section 39-12-06 of the North Dakota Century Code, relating to movement of farm implements on public highways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision c of subsection 1 of section 39-12-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. Implements of husbandry being moved by resident farmers, ranchers, or dealers between sunrise and sunset. Furthermore, the limitation shall not apply to implements of husbandry being moved between sunset and sunrise by resident farmers, ranchers, or dealers on public state, county, or township highway systems other than interstate highway systems.

SECTION 2. AMENDMENT. Section 39-12-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-06. LIMITATIONS ON EXTENDING OF LOAD BEYOND SIDE OF MOTOR VEHICLE. No motor vehicle carrying any load beyond the lines of the left fenders of such vehicle nor extending more than twelve inches [30.48 centimeters] beyond the line of the fenders on the right side of such vehicle shall be operated on the highways, except as permitted by section 39-12-04. The state highway department shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

Approved April 8, 1981

CHAPTER 398

SENATE BILL NO. 2221
(Moore)

HAYSTACK MOVING EQUIPMENT LENGTH LIMIT

AN ACT to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for vehicles on certain highways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Subsection 3 of section 39-12-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A length limitation as follows:

- a. A single unit vehicle with two or more axles including the load thereon shall not exceed a length of forty feet [12.19 meters].
- b. A combination of two units including the load thereon shall not exceed a length of sixty-five feet [19.81 meters].
- c. A combination of three units including the load thereon shall not exceed a length of sixty-five feet [19.81 meters]. Combinations of three units are permissible only as follows:
 - (1) A truck tractor and semitrailer may draw a trailer or semitrailer converted to a trailer by use of a dolly and fifth wheel.
 - (2) A motor vehicle may draw three motor vehicles attached thereto by a triple saddle mount method.
 - (3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles [40.23 kilometers] per hour. The two-implement-of-

* NOTE: Subdivision c of subsection 3 of section 39-12-04 was also amended by section 1 of House Bill No. 1195, chapter 399.

husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the commissioner determines by rule are consistent with public highway safety.

- (4) A truck may draw two trailers, subject to any rules adopted by the commissioner that are consistent with public highway safety.
- d. A combination of two or three units including the load thereon may be operated on and over those highways in the state designated by the commissioner and shall not exceed a length of seventy-five feet [22.86 meters], subject to any rules adopted by the commissioner that are consistent with public highway safety.
 - e. Length limitations shall not apply to:
 - (1) Building moving equipment.
 - (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
 - (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
 - (4) Structural material of telephone, power, and telegraph companies.
 - (5) Truck-mounted haystack moving equipment, provided such equipment does not exceed a length of ~~fifty~~ fifty-six feet [~~15-24~~ 17.07 meters].

Approved March 9, 1981

CHAPTER 399

HOUSE BILL NO. 1195
(Committee on Transportation)
(At the request of the Highway Department)

LENGTH LIMITATION AND OVERWEIGHT ASSESSMENTS

AN ACT to amend and reenact subdivision c of subsection 3 of section 39-12-04 and section 39-12-17 of the North Dakota Century Code, relating to civil assessments for overweight motor vehicles, and width, height, and length of motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Subdivision c of subsection 3 of section 39-12-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. A combination of three units including the load thereon shall not exceed a length of sixty-five feet [19.81 meters]. Combinations of three units are permissible only as follows:
- (1) A truck tractor and semitrailer may draw a trailer or semitrailer ~~converted to a trailer--by use of a dolly and fifth-wheel.~~
 - (2) A motor vehicle may draw three motor vehicles attached thereto by a triplesaddle mount method.
 - (3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles [40.23 kilometers] per hour. The two-implement-of-husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the commissioner determines by rule are consistent with public highway safety.

* NOTE: Subsection 3 of section 39-12-04 was also amended by section 1 of Senate Bill No. 2221, chapter 398.

- (4) A truck may draw two trailers, subject to any rules adopted by the commissioner that are consistent with public highway safety.

SECTION 2. AMENDMENT. Section 39-12-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-17. TRIAL - CHARGES. 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 39-12-03 or as limited by the provisions of section 39-12-05, 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 [453.59 grams] for each pound [453.59 grams] of weight in excess of the legal limit, up to three thousand pounds [1360.77 kilograms] of excess weight;
 - b. Four cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over three thousand [1360.77 kilograms] but is less than five thousand pounds [2267.96 kilograms] of excess; and
 - c. Eight cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over five thousand pounds [2267.96 kilograms], but is not more than ten thousand pounds [4535.92 kilograms]; and
 - d. Ten cents per pound [453.59 grams] for each pound [453.49 grams] which exceeds the legal limit by over ten thousand pounds [4535.92 kilograms] but is less than twenty thousand pounds [9071.84 kilograms] of excess weight.
 - e. Twenty cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by more than twenty thousand pounds [9071.84 kilograms].

Approved March 2, 1981

CHAPTER 400

HOUSE BILL NO. 1314
(Goetz, Wald)

MOBILE HOME SALE BY REALTOR

AN ACT to amend and reenact section 39-18-08 of the North Dakota Century Code, relating to sales by a real estate broker or salesman of a used mobile home.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-18-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-08. SALES BY REAL ESTATE BROKER OR SALESMAN OF USED MOBILE HOME. Notwithstanding any other provision of law, a person licensed as a real estate broker or salesman may sell or offer to sell, buy or offer to buy, solicit prospective purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of any mobile home if the mobile home ~~is at least two years older than the current year model mobile homes~~ has been previously sold by a mobile home dealer.

No real estate broker who engages in the activities authorized by this section ~~shall~~ may maintain any place of business where two or more mobile homes are displayed and offered for sale by ~~such person~~ the broker, unless ~~said~~ the broker is also licensed as a mobile home dealer pursuant to this chapter.

Approved March 9, 1981

CHAPTER 401

SENATE BILL NO. 2045
(Legislative Council)
(Interim Administrative Rules Committee)

RANDOM MAINTENANCE PROGRAM

AN ACT to repeal chapter 39-21.1 of the North Dakota Century Code, relating to motor vehicle inspections under the random motor vehicle maintenance program operated by the highway patrol, and section 4 of chapter 30 of the 1977 Session Laws of North Dakota, relating to discontinuation of the program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL. Chapter 39-21.1 of the North Dakota Century Code and section 4 of chapter 30 of the 1977 Session Laws of North Dakota are hereby repealed.

Approved January 30, 1981

CHAPTER 402

SENATE BILL NO. 2418
(Senator Vosper)
(Representative A. Olson)

SNOWMOBILE TRAIL TAX

AN ACT to amend and reenact section 39-24-03 of the North Dakota Century Code to increase the amount of the snowmobile trail tax.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-24-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-03. REGISTRATION - APPLICATION - ISSUANCE - FEES - RENEWAL. Application for registration shall be made to the department in a form as the department shall prescribe and furnish, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. A copy of the application shall serve as evidence of registration for a period of not more than thirty days from the date of application.

Upon receipt of the application and the appropriate fee as hereinafter provided, the snowmobile shall be registered and a registration number and a certificate of registration assigned. The registration number shall be at least two inches [5.08 centimeters] in height and of a reflectorized material, and shall be securely affixed on each side of the forward half of the snowmobile in such position as to provide clear legibility for identification. The certificate of registration shall include information regarding the make, year, serial number, and name and address of the owner.

The fee for registration of each snowmobile shall be two dollars for a registration period of two years beginning January first of each even-numbered year effective January 1, 1980. The fee for initial registration of each snowmobile registered on and after January first of the second year of the two-year registration period shall also be two dollars. The fee for a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes illegible shall not exceed two dollars. In addition, in each year that fees are collected for the unsatisfied judgment fund there shall be assessed a fee of one dollar per year for each

snowmobile registered, which shall be placed in the unsatisfied judgment fund. For each snowmobile registered under the provisions of this chapter, there shall be assessed a snowmobile trail tax in the amount of ~~four~~ six dollars.

Every owner of a snowmobile shall renew the registration in a manner as the department shall prescribe, upon payment of the same registration fees provided in this section.

Upon application for registration as prescribed in this section, any snowmobile dealer as defined in section 39-24-01 shall be issued registration numbers distinctively marked as dealer's registration numbers upon payment of the appropriate fee as prescribed in this section. The dealer's registration numbers shall be used only on snowmobiles owned by the dealership.

Approved March 19, 1981

CHAPTER 403

SENATE BILL NO. 2296
(Senators Vosper, Erickson, Nelson)
(Representative Olafson)

SNOWMOBILE REGISTRATION FAILURE PENALTY

AN ACT to amend and reenact section 39-24-11 of the North Dakota Century Code to provide a penalty for failure to register a snowmobile.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-11. PENALTIES. Any person who ~~shall violate~~ violates subdivision b or subdivision c of subsection 5 of section 39-24-09 shall be guilty of a class B misdemeanor. Any person who violates any other provision of section 39-24-09 shall be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register as required by section 39-24-02 shall be assessed a fee of fifteen dollars. Any person who violates any other provision of this chapter for which a specific penalty is not provided shall be assessed a fee of ten dollars.

Approved March 25, 1981

CHAPTER 404

SENATE BILL NO. 2079
(Legislative Council)
(Legislative Audit and Fiscal Review Committee)

ABANDONED MOTOR VEHICLE DISPOSAL
FUND AND TAX

AN ACT to provide for a transfer to the highway fund; and to amend and reenact sections 39-26-11 and 39-26-12 of the North Dakota Century Code, relating to the abandoned motor vehicle disposal fund and the tax on motor vehicle registrations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-26-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-26-11. ABANDONED MOTOR VEHICLE DISPOSAL FUND. There is hereby established in the state treasury a special fund which shall be known as the abandoned motor vehicle disposal fund. ~~Any moneys in such fund shall be dedicated to the purposes expressed in this chapter.~~ All moneys derived from the investment of the fund are to be credited to the fund.

SECTION 2. AMENDMENT. Section 39-26-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-26-12. TAX ON INITIAL MOTOR VEHICLE REGISTRATIONS CERTIFICATES OF TITLE - WHEN TAX IS SUSPENDED. There is hereby imposed a tax of two dollars on each initial North Dakota certificate of title issued to a passenger motor vehicle or a truck motor vehicle. The proceeds of such tax shall be paid into the abandoned motor vehicle disposal fund in the state treasury. ~~Any moneys collected under the provisions of this chapter, not appropriated by the legislative assembly, shall remain in the abandoned motor vehicle fund in the state treasury.~~ No registration plates or title certificate shall be issued unless such tax is paid. Expenses of the fund arising from the provisions of this chapter shall be paid from the fund within the limits of legislative appropriation. If on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is five hundred thousand dollars or more, the tax shall be suspended and the amount in excess of five hundred thousand dollars shall be transferred to the highway fund. If the tax has been suspended and

on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is one hundred thousand dollars or less the tax shall be reimposed on and after January first of the succeeding year.

SECTION 3. TRANSFER. On July 1, 1981, the amount by which the balance in the abandoned motor vehicle disposal fund exceeds \$500,000 shall be transferred from the abandoned motor vehicle disposal fund to the highway fund in the state treasury.

Approved April 1, 1981