

June 2007

## **TITLE 39**

### **Motor Vehicles**

### **Summary of Bills Enacted by 2007 Legislative Assembly**

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 39. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to motor vehicles may be classified in these subject areas: driver's license; driving while under the influence; rules of the road and traffic offenses; emergency vehicles; motor vehicle dealers; Highway Patrol; title, registration, and special permits; motorcycles, snowmobiles, low-speed vehicles, and off-highway vehicles; commercial vehicles and licenses; and miscellaneous.

#### **DRIVER'S LICENSE**

**House Bill No. 1158** allows a child to take a road test in an automobile that is not the parent's or guardian's automobile.

**Senate Bill No. 2163** adopts the Uniform Anatomical Gift Act and changes cross-references that allow an applicant for a driver's license to identify the applicant as a donor.

**House Bill No. 1227** provides that an application from an individual applying for a nondriver color photo identification card must include an applicant's Social Security number.

**Senate Bill No. 2112** provides that nondriver color photo identification cards expire eight years from the date of issue and may be renewed. The bill provides for a temporary operator's license or identification card for the period of time an applicant is authorized to stay in the United States or one year if no definite time is stated for individuals in the United States on a nonimmigrant visa, on a pending application for asylum, on a pending or approved application for temporary protected status, on approved deferred action status, or on a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status.

#### **DRIVING WHILE UNDER THE INFLUENCE**

**House Bill No. 1396** changes the reference from blood alcohol as a percentage of alveolar air to end expiratory breath.

**House Bill No. 1468** allows a law enforcement agency making arrests for driving while under the influence, if test results indicate an alcohol concentration at or above the legal limit, to mail a temporary operator's permit and deems the third day after mailing of the temporary operator's permit the date of issuance. The bill requires the person receiving the temporary operator's permit to mail that person's operator's license to the law enforcement agency. The bill deems actual notice of the opportunity for a hearing to have occurred 72 hours after the notice is mailed by the law enforcement agency.

#### **RULES OF THE ROAD AND TRAFFIC OFFENSES**

**House Bill No. 1037** increases from 18 months to 3 years the period during which a person convicted for a second or subsequent violation of driving without liability insurance must be fined at least \$300. The bill requires the court to impound the motor vehicle number plates of a motor vehicle owned and operated by a person upon a second or subsequent conviction for driving without liability insurance. The person is required to deliver the plates to the court and the court is required to deliver the plates to the department. The person may reclaim the plates after providing proof of insurance and a \$20 fee to the department. The bill creates a Class B misdemeanor for a person not providing the number plates to the court.

**Senate Bill No. 2146** shortens the time in which a person involved in an accident has to provide proof of insurance from 20 days to 3 business days.

**Senate Bill No. 2175** requires a driver of a vehicle to stop and yield as if there is a stop sign if the driver approaches an intersection that has traffic control signals that usually exhibit different colored lights and the signals are not lit.

**House Bill No. 1114** clarifies language relating to minimum speed limits.

**House Bill No. 1236** prohibits an individual from depositing upon any highway any litter, in addition to what was previously prohibited--substances likely to injure a person, animal, or vehicle.

### **EMERGENCY VEHICLES**

**House Bill No. 1234** designates a flashing green light as the command center in an emergency.

**House Bill No. 1087** classifies vehicles operated by or under the control of the State Forester as Class A authorized emergency vehicles.

**House Bill No. 1310** allows a law enforcement vehicle that is a Class A authorized emergency vehicle to display a flashing blue light in addition to and under the same conditions as other lights.

### **MOTOR VEHICLE DEALERS**

**Senate Bill No. 2111** changes the fee for additional dealer plates from \$25 to \$20 each and no longer requires in-transit plates and demonstration plates.

**Senate Bill No. 2148** clarifies motor vehicle dealer licensure law and removes the penalty of suspension of the motor vehicle dealer's license and replaces it with a fee of at least \$500 but not more than \$2,000 for a third or subsequent violation relating to motor vehicle dealer lots, licensure requirements, plate usage, display and sale of vehicles by out-of-state dealers, consignment vehicles, and display lots. In addition, the bill allows the Department of Transportation discretion in suspending a license and imposing a fee for a violation, instead of requiring suspension and a fee as was previously provided.

### **HIGHWAY PATROL**

**House Bill No. 1063** clarifies the jurisdiction of the Highway Patrol on state-owned or leased property.

**Senate Bill No. 2048** clarifies that only active members can purchase retirement service credit; makes technical corrections; updates federal compliance provisions; allows information regarding employer purchase programs to be considered public information, not confidential; and changes the sick leave conversion policy into compliance with federal law regarding the timeframe in which a purchase can be paid.

**House Bill No. 1064** creates the Highway Patrol asset forfeiture fund for assets seized and subjected to drug forfeiture and for amounts received as restitution. The fund is limited to \$300,000 and the fund may be used for costs relating to property seized, overtime compensation relating to the control of drug abuse, purchasing equipment related to criminal interdiction, and paying matching funds for investigating drug crimes.

### **TITLE, REGISTRATION, AND SPECIAL PERMITS**

**Senate Bill No. 2113** changes the reference from the single state insurance registration system to the unified carrier registration system.

**House Bill No. 1398** increases the weight allowed for a motor vehicle of a disabled veteran to not be subject to registration fees from not more than 10,000 pounds to not more than 26,000 pounds.

**Senate Bill No. 2263** changes the annual \$5 fee for veterans' number plates that is deposited into the highway tax distribution fund to an initial fee of \$15 with \$10 in the highway tax distribution fund and \$5 in the Veterans Cemetery fund. The bill changes the investment duties of the Veterans Cemetery trust fund from the State Investment Board to the State Treasurer to invest in the same manner as by the State Investment Board.

**Senate Bill No. 2360** allows the public or nonprofit organization number plates to be issued with proof of a minimum of 50 applicants and a one-time payment of \$1,500, instead of 400 applicants as was previously required.

**Senate Bill No. 2406** provides for a yearly overwidth vehicle permit for a load that is 14 feet 6 inches or less for \$500 and a yearly fee of \$20 for the movement of a noncommercial fish house trailer.

**House Bill No. 1295** creates a yearly permit fee of \$300 for non-self-issuing interstate permits.

### **MOTORCYCLES, SNOWMOBILES, LOW-SPEED VEHICLES, AND OFF-HIGHWAY VEHICLES**

**House Bill No. 1183** allows handlebars on motorcycles to not be higher than the shoulder height of the seated operator.

**House Bill No. 1205** requires a motorcycle to be equipped with at least one taillamp and one stop lamp.

**House Bill No. 1362** changes the decal display for payment of the trail access fee to a purchase of an out-of-state public trails and land access permit. The bill requires the permit to be in the operator's possession when operating a snowmobile within the state and allows dealers and agents selling the permit to retain \$1 of the \$15 fee.

**House Bill No. 1465** classifies motorcycles, off-highway vehicles, and snowmobiles as motor-powered recreational vehicles for the purposes of a dealer's license.

**House Bill No. 1445** requires an off-highway vehicle to be equipped with a mirror, horn, speedometer and odometer, brake light, lighted headlamp, and a motor of at least 350 cubic centimeters to be operated on a highway. The bill allows an individual to operate a registered off-highway vehicle on a paved highway if the highway has a speed limit not exceeding 55 miles per hour. The bill allows a licensed driver over 16 years of age to operate a registered Class III off-highway vehicle on a paved highway with a speed limit not exceeding 65 miles per hour.

**House Bill No. 1089** increases the weight allowed for a low-speed vehicle from 1,500 pounds in unloaded weight to 3,000 pounds when fully loaded with passengers and any cargo and makes technical corrections to the equipment required for a low-speed vehicle.

### **COMMERCIAL VEHICLES AND LICENSES**

**House Bill No. 1400** includes trees within the waiver from a commercial driver's license for farm-to-market operations by farmers to transport agricultural products to or from a farm and allows the waiver of the knowledge and skills test for a commercial driver's license for retailers and suppliers of trees.

**House Bill No. 1068** exempts vehicles driven for military purposes from commercial driver's license requirements, subject to federal regulations. In addition, the bill limits the waiver for a person driving a commercial vehicle for a political subdivision during an emergency to a political subdivision with a population of fewer than 3,000 and when necessary licensed drivers are not available.

**House Bill No. 1359** prohibits the Highway Patrol from adopting or enforcing any law or rule requiring rear-end protection on a rear-end dump truck or other rear unloading truck or trailer while being used to haul agricultural products from a place of production or on a farm storage site to a place of processing or storage.

## MISCELLANEOUS

**House Bill No. 1012** authorizes the director of the Department of Transportation to continue to collect registration fees if the Congress authorizes continuation of participation in a single state insurance registration system for motor carriers. The bill transfers public transportation funds to each county in a base amount of four-tenths of 1 percent of the appropriation for the program plus \$1.50 per capita of population instead of a base amount of \$18,300 plus \$1.50 per capita of population. The bill removes the requirement that money remaining in the fund at the end of each biennium must be retained in the public transportation fund. The bill allows an individual under 16 years of age to operate an off-highway vehicle as a participant in an organized sporting event that involves the use of off-highway vehicles.

**House Bill No. 1069** makes technical corrections to laws relating to operators' licenses, motor vehicle equipment, temporary restricted licenses, tests for intoxication, and the information a law enforcement officer must inform a person about as a result of a to submit to blood alcohol testing, and the seizure and return of an operator's license for failure to provide proof of financial responsibility.

**House Bill No. 1258** allows a business that derives a major portion of income or visitors from individuals who do not reside in the immediate area of the business to use tourist-oriented directional signs. The bill defines the immediate area of the business as within the city limits, if the business is located in a city, or within one mile from a business located outside city limits.

**House Bill No. 1090** removes the motor vehicle registration fund and provides for funds that previously went into the motor vehicle registration fund to be deposited in the highway tax distribution fund.

**Senate Bill No. 2288** increases the cap on the ethanol production incentive fund from \$5 million to \$7.5 million.