

enacted by Section 15 of Chapter 264 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

38-0304. SALARY OF INSPECTOR.] The salary of the coal mine inspector shall not exceed three thousand dollars per annum. He shall be allowed in addition thereto his necessary mileage and traveling expense incurred in the performance of official duties as provided by Section 54-0609 of the North Dakota Revised Code of 1943 and actual living expenses when absent from his office in the performance of official duties as provided by Section 44-0804 of the North Dakota Revised Code of 1943, upon claims properly certified and supported by sub-vouchers or receipts as provided by Section 54-1404 of the North Dakota Revised Code of 1943.

Approved March 21, 1947.

MOTOR VEHICLES

CHAPTER 256

H. B. No. 334—(Smart and Saumur)

MOTOR VEHICLE ACCIDENTS AND DAMAGE CLAIMS REPORTS— FINANCIAL RESPONSIBILITY OWNERS AND OPERATORS, ETC.

AN ACT

Requiring reports of motor vehicle accidents and claims of damages arising therefrom; providing for the furnishing of financial responsibility by owners and operators of motor vehicles and prescribing the conditions therefor; providing for the suspension, revocation and reinstatement of operators' license; prescribing the powers and duties of the commissioner in respect to the enforcement and administration of this Act; fixing penalties for violations thereof; and repealing Chapter 39-14 of the North Dakota Revised Code of 1943, with certain exceptions, and all other Acts and parts of Acts in conflict herewith, and providing a savings clause.

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

§ 1. DEFINITIONS.] The following words and phrases when used in this chapter, shall, for the purpose of this

chapter, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning;

1. "Commissioner" means the state highway commissioner of the State of North Dakota acting directly or through his authorized agents;
2. "Judgment" means any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages;
3. "License" means any license, temporary instruction permit or temporary license issued under the law of this state pertaining to the licensing of persons to operate motor vehicles;
4. "Motor Vehicle" shall include every self-propelled vehicle, including trailers and semi-trailers designed for use with such vehicles;
5. "Non-resident" means every person who is not a resident of this state;
6. "Non-resident's operating privilege" means the privilege conferred upon a non-resident by the laws of this state pertaining to the operation in this state by him of a motor vehicle, or the use of a motor vehicle owned by him;
7. "Driver" means every person who is in actual physical control of a motor vehicle whether or not licensed as a driver under the laws of this state;
8. "Owner" means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a

mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this act;

9. "Proof of Financial Responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars because of injury to or destruction of property of others in any one accident;
10. "State" means and state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

§ 2. RULES; REVIEW.] The commissioner shall have the powers and perform the duties imposed upon him by this Chapter and may make rules and regulations necessary therefor and shall provide for hearings upon request of any person aggrieved by his final orders under this chapter. Any person aggrieved by a final order of the commissioner under this chapter may review such order by appeal; the laws of this state providing for appeals from orders of administrative agencies shall be applicable.

§ 3. ABSTRACTS; FEE; ADMISSIBLE IN EVIDENCE.] The commissioner upon request shall furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. A fee of one dollar shall be paid for each such abstract.

§ 4. SUSPENSION OF LICENSE FOR NEGLECT TO REPORT ACCIDENT.] The commissioner may suspend the license, or any non-resident's operating privilege, of any person who willfully fails, refuses or neglects to make report of a traffic accident as required by the laws of this state.

§ 5. SUSPENSION OF LICENSE, WHEN; WHEN NOT APPLICABLE.] The commissioner, within sixty days after the

receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of one hundred dollars, shall suspend the license of each driver and owner of each vehicle in any manner involved in such accident, and if such driver or owner is a non-resident the privilege of operating a motor vehicle within this state unless such driver or owner shall deposit security as provided in sections 9 and 10 of this Act in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such driver or owner; provided notice of such suspension shall be sent by the commissioner to such driver and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security. This section shall not apply under the conditions stated in section 6 of this Act or to any of the following:

1. To such driver or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident, affording substantially the same coverage as is required for proof of financial responsibility under this chapter;
2. To such driver, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicle, affording substantially the same coverage as is required for proof of financial responsibility under this chapter;
3. To such driver or owner if the liability of such driver or owner for damages resulting from such accident is, in the judgement of the commissioner, covered by any other form of liability insurance policy or bond; or
4. To the driver or owner of any motor vehicle if such owner is at the time of such accident qualified as a self-insurer under section 32 of this Act.

No such policy or bond shall be effective under this section unless by an insurance carrier or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance carrier or surety company, if not authorized to do business in this state, shall execute a power

of attorney authorizing the commissioner to accept service, on its behalf, of notice or process in any action upon such policy or bond arising out of such accident; provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property to a limit of not less than one thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of notice of such accident, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident.

§ 6. REQUIREMENTS AS TO SECURITY AND SUSPENSION DO NOT APPLY, WHEN.] The requirements as to security and suspension in section 5 of this Act shall not apply:

1. To the driver or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such driver or owner;
2. To the driver or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing or parked and whether attended or unattended, except that the requirements of this chapter shall apply in the event the commissioner determines that any such stopping, standing or parking of the vehicle was illegal or that the vehicle was not equipped with lighted lamp or illuminating devices when as required by the laws of this state and that any such violation contributed to the accident;
3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or parked by a person who had been operating such motor vehicle without such permission;
4. If prior to the date that the commissioner would otherwise suspend license or non-resident's operating privilege under section 5 of this Act, there shall be filed with the commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been

finally adjudicated not to be liable or has executed a confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

§ 7. RELEASE FROM SUSPENSION OR REMOVAL OF LICENSE.] The license or non-resident's operating privilege suspended as provided in section 5 shall remain so suspended and shall not be renewed nor shall any such license be issued to such person until:

1. Such person shall deposit or there shall be deposited on his behalf the security required under section 5 of this Act;
2. One year shall have elapsed following the date of such accident and evidence satisfactory to the commissioner has been filed with him that during such period no action for damages arising out of such accident has been instituted; or
3. Evidence satisfactory to the commissioner has been filed with him of a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with Section 6, Subsection 4 of this Act; provided, in the event there shall be any default in the payment of any installment under any confession of judgment, then upon notice of such default, the commissioner shall forthwith suspend the license non-resident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the commissioner shall forthwith suspend the license or non-resident's operating privilege of such person defaulting which shall not be restored unless and until such person deposits and thereafter maintains security as required under section 5 of this Act in such amount as the commissioner may then determine, or one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

§ 8. REQUIREMENTS OF ONE NOT LICENSED.] In case the driver or the owner of a motor vehicle involved in an accident within this state has no license, he shall not be allowed a license until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license.

§ 9. COMMISSIONER MAY FIX, REDUCE, OR INCREASE REQUIREMENT.] The security required under this chapter shall be in such form and amount as the commissioner may require but in no case in excess of the limits specified in section 5 of this Act in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person in whose behalf the deposit is made and, at any time while such deposit is in the custody of the commissioner or state treasurer, the person depositing it may, in writing amend the specification of the person on whose behalf the deposit is made to include an additional person; provided, that a single deposit of security shall be applicable only on behalf of a person required to furnish security because of the same accident. The commissioner may reduce or increase the amount of security ordered in any case if, in his judgment, the amount ordered is excessive or inadequate. In case the security originally ordered has been deposited the excess deposited over the reduced amount shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of section 10 of this Act.

§ 10. DEPOSIT OF SECURITY WITH STATE TREASURER; RELEASE.]

1. Security deposited in compliance with the requirements of this Act shall be placed by the commissioner in the custody of the state treasurer and shall be applied as in subsection 2 of this section only to the payment of a judgment rendered against the person on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under section 7, subsection 3 of this Act, and such deposit or any balance thereof shall be returned to the depositor or his personal representative, when evidence satisfactory to the commissioner has been filed with him that there has been a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged agreement, in accordance with section 6, subsection 4, or whenever, after the expiration of one year from the date of the accident, or within one

year after the date of deposit of any security under section 7, subsection 3, the commissioner shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid. Upon certification by the commissioner the state treasurer shall return any security deposited with him under the provisions of this chapter to the person entitled thereto.

2. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against the person for whom such deposit was made, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle in the accident which resulted in the requirement for the deposit of such security. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

§ 11. RECORD NOT ADMISSIBLE AS EVIDENCE.] Neither the report required, the action taken by the commissioner pursuant to this chapter, the findings, if any, of the commissioner upon which action is based, nor the security filed, nor the insurance carried or furnished as provided in this chapter shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

§ 12. NOTICE OF FAILURE TO SATISFY JUDGMENT.] When any person fails within thirty days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the commissioner immediately after the expiration of said thirty days, a certified copy of such judgment and affidavit of identification. If the judgment debtor named in any certified copy of a judgment reported to the commissioner is a non-resident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of drivers' licenses of the state of which the judgment debtor is a resident.

§ 13. SUSPENSION OF LICENSE; TEMPORARY RELEASE.]

1. The commissioner, upon receipt of a certified copy of a judgment, shall forthwith suspend the license or

any non-resident's operating privilege, of any person against whom such judgment was rendered except as hereinafter otherwise provided in this section and in section 15.

2. If the judgment creditor consents in writing, in such form as the commissioner may prescribe that the judgment debtor be allowed license or non-resident's operating privilege, the same may be allowed by the commissioner, in his discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 15, provided the judgment debtor furnishes proof of financial responsibility.
3. Any person whose license or non-resident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of this chapter may be relieved from the effect of such judgment as hereinbefore prescribed in this chapter by filing with the commissioner an affidavit stating that at the time of the accident upon which such judgment has been rendered the affiant was insured, that the insurer is liable to pay such judgment, and the reason, if known, why such insurance carried has not paid such judgment. Such person shall also file the original policy of insurance or a copy thereof, if available, and such other documents as the commissioner may require to show that that the loss, injury, or damage for which such judgment was rendered, was covered by such policy of insurance. If the Commissioner is satisfied from such papers that such insurer was authorized to issue such policy of insurance at the time and place of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts required in this chapter, the commissioner shall not suspend such license or non-resident's operating privilege, or if already suspended shall reinstate them.
4. A license or non-resident's operating privilege shall remain suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is satisfied in full or to the extent hereinafter provided

and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 13 and 15.

5. A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this chapter.

§ 14. SATISFACTION OF JUDGMENT.]

1. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:
2. When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or
3. When, subject to such limit of five thousand dollars because of bodily injury to or death of one person, the sum of one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or
4. When one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident. Payments made in settlement of any claims because of bodily injury, death or property damages arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

§ 15. INSTALLMENT PAYMENTS.]

1. A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.
2. The commissioner shall not suspend a license, or a non-resident's operating privilege, suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such

judgment in installments, and while the payment of any said installment is not in default.

3. In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the commissioner shall forthwith suspend the license, or non-resident's operating privilege of the judgment debt or until such judgment is satisfied as provided in this chapter.

§ 16. REVOCATION OF LICENSE FOR REASONS OTHER THAN PROVISIONS OF THIS CHAPTER.]

1. Whenever the commissioner under any other law of this state, revokes the license of any person, such license shall remain revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, unless and until he shall give and thereafter maintain proof of financial responsibility.
2. If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, no license shall be thereafter issued to such person until he shall give and thereafter maintain proof of financial responsibility.
3. Whenever the commissioner revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

§ 17. PROOF OF FINANCIAL RESPONSIBILITY.] Proof of financial responsibility when required under this chapter may be given by filing:

1. A certificate of insurance as provided in Section 18 or Section 19; or
2. A bond as provided in Section 23; or
3. A certificate of deposit of money or securities as provided in Section 24.

§ 18. PROOF BY SHOWING INSURANCE COVERAGE.]

1. Proof of financial responsibility may be furnished by filing with the commissioner the written certificate of any insurance carrier duly authorized to do busi-

ness in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is an operator's policy.

2. When a certificate is filed showing that a policy or policies have been issued covering certain described motor vehicles or a limited operator's policy but not insuring such person when operating all other motor vehicles, the commissioner shall designate suitable restriction upon the driver's license of such person authorizing the operation of only such vehicles as are covered by the certificate. It shall be unlawful for such person to operate any motor vehicle not covered by such certificate. In the event a person desired to be relieved of the foregoing restriction and to be permitted to operate any motor vehicle, he may have such restriction removed upon filing a certificate showing that there has been issued to him a motor vehicle liability policy insuring him against liability arising out of the use of any motor vehicle.

§ 19. NON-RESIDENT OWNER.]

1. The non-resident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the commissioner a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such non-resident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter, and the commissioner shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:
 - a. Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;
 - b. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the

laws of this state relating to the terms of motor vehicle liability policies issued herein.

2. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertaking or agreements, the commissioner shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

§ 20. MOTOR VEHICLE LIABILITY POLICY.]

1. A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in Section 18 or Section 19 as proof of financial responsibility, and issued, except as otherwise provided in Section 19, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.
2. Such owner's policy of liability insurance:
 - a. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and
 - b. Shall insure the person named therein and any other person, as insured, using such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and one thousand dollars because of injury to or destruction of property of others in any one accident.
3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle, either unlimited, or limited by excluding cer-

tain classes or types of motor vehicles, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.
5. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.
6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:
 - a. The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.
 - b. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.
 - c. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Subsection 2, Subdivision 2, of this

section for the accident out of which such claim arose.

- d. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.
7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle policy" shall apply only to that part of the coverage which is required by this section.
8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.
9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.
10. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.
11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such policy.

§ 21. NOTICE OF PROPOSED CANCELLATION OF POLICY BY INSURER.] When an insurance carrier has certified a motor vehicle liability policy under Section 18 or Section 19, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the commissioner, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

§ 22. OTHER LAWS REQUIRING INSURANCE.]

1. This chapter does not apply to or affect policies of automobile insurance against liability which may

now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

2. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

§ 23. BOND AS REQUIRED BY SECTION 1, SUBSECTION 11.]

1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate not exempt from execution of a value twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge of a court of record, and recorded in the office of the register of deeds of each county in which such real estate is situated, which said bond shall be conditioned for payment of the amounts specified in Section 1, Subsection 11. Such bond shall be filed with the commissioner and shall not be cancellable except after ten days' written notice to the commissioner. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist for the benefit of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such bond is recorded.
2. If such a judgment rendered against the principal on on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in his own name against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

§ 24. DEPOSIT OF CASH WITH STATE TREASURER.]

1. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him eleven thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of eleven thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.
2. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of damages to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

§ 25. EMPLOYMENT OF FAMILY CONNECTION IN LIEU OF PROOF OF FINANCIAL RESPONSIBILITY.] Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the commissioner shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The commissioner shall designate the restrictions imposed by this section on the face of such person's license.

§ 26. RELEASE OF BOND OR DEPOSIT ON MAKING OTHER PROOF OF RESPONSIBILITY.]

1. The commissioner shall consent to the cancellation of any bond or certificate of insurance or the commissioner shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

2. The commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.

§ 27 PROCEDURE OF FAILURE OF PROOF ON FILE.] When ever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the commissioner, shall for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license or the non-resident's operating privilege upon failure to file such other proof as required.

§ 28. CANCELLATION OF BOND OR RETURN OF DEPOSIT.]

1. The commissioner shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the commissioner shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof or financial responsibility, or the commissioner shall waive the requirements of filing proof, in any of the following events:
 - a. At any time after five years from the date such proof was required when, during the five-year period preceding the request, the commissioner has not received record of a conviction or a forfeiture of bail which would require the revocation of the license, or non-resident's operating privilege of the person by or for whom such proof was furnished; or
 - b. The death of the person on whose behalf such proof was filed of the permanent incapacity of such person to operate a motor vehicle, or
 - c. The surrender of his license to the commissioner by the person who has given proof.

2. The commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.
3. Whenever any person whose proof has been cancelled or returned under subdivision c of subsection 1 of this section applies for a license within a period of five years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such five-year period.

§ 29. SEIZURE OR RETURN OF DRIVER'S LICENSE.] Any person whose license is suspended as herein provided, or whose policy of insurance or bond, when required under this chapter, is cancelled or terminated, or who neglects to furnish other proof upon request of the commissioner shall immediately return his license to the commissioner. If any person fails to return to the commissioner the license as provided herein, the commissioner shall forthwith direct any peace officer to secure possession thereof and to return the same to the commissioner.

§ 30. MISDEMEANOR.]

1. It is a misdemeanor for any person whose license or non-resident's operating privilege has been suspended or revoked under this chapter to drive any motor vehicle upon any highway except as permitted under this chapter during such suspension or revocation.
2. It is a misdemeanor for any person to forge, or, without authority, sign any notice provided for under section 5 that a policy or bond is in effect, or any evidence of proof of financial responsibility, or to file or offer for filing any such notice or evidence of proof

of financial responsibility, or to file or offer for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority.

3. It is a misdemeanor for any person to violate any of the provisions of this chapter.

§ 31. FEDERAL, STATE, OR MUNICIPAL OWNERSHIP.] This chapter does not apply with respect to any motor vehicle owned and operated by the United States, this state, or any other political subdivision of this state or any municipality therein.

§ 32. WHO MAY BE SELF-INSURER.]

1. Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the commissioner as provided in subsection 2 of this section.
2. The commissioner may, upon the application of any person issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay any judgment obtained against him.
3. Upon not less than five days' notice and a hearing pursuant to such notice, the commissioner may cancel a certificate of self-insurance if he is satisfied that such person is not possessed or will not continue to be possessed of ability to pay any judgment obtained against him. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

§ 33. EFFECT ON CERTAIN LAWS.] Except as otherwise provided herein, this Act shall not be deemed a repeal of any of the motor vehicle laws of this state, but shall be construed as supplemental thereto.

§ 34. NOT RETROACTIVE.] This Act shall not be construed as retroactive in its operation and shall not apply to any accident or judgment arising therefrom, or to any proof of financial responsibility furnished, or to the violation of any of the motor vehicle laws of this state, or to the violation of any city or village ordinances, prior to January 1, 1948.

§ 35. MAY RELY ON OTHER PROCESS.] Nothing in this Act shall be construed as preventing the plaintiff in any action

at law from relying for relief upon the other processes provided by law.

§ 36. CITATION.] This chapter may be cited as the Motor Vehicle Safety Responsibility Act.

§ 37. EFFECTIVE DATE.] This Act shall become effective January 1, 1948.

§ 38. REPEAL.] Chapter 39-14 of the North Dakota Revised Code of 1943 and all Acts and parts of Acts in conflict herewith, except as otherwise herein provided, are hereby repealed.

§ 39. CONSTITUTIONALITY.] If any section, subsection, subdivision, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Approved March 21, 1947.

CHAPTER 257

H. B. No. 315—(Westby, Ekren)

APPLICATION MOTOR VEHICLE REGISTRATION; CONTENTS

AN ACT

To amend and reenact Section 39-0405 of the North Dakota Revised Code of 1943, relating to applications for registration of motor vehicles and prescribing the contents therefor.

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

§ 1. AMENDMENT.] That Section 39-0405 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

39-0405. APPLICATION FOR REGISTRATION OF 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, and every application shall be signed by the owner and shall contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number, and 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 vehicle. The application shall contain such other information as may be required by the registrar; and

2. If the motor vehicle for which registration is sought is a specially constructed, reconstructed, or foreign vehicle, such fact 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 the certificate of the title and registration card or such other evidence as will satisfy the registrar that the applicant is the lawful owner or possessor of the vehicle; and
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.

Approved March 15, 1947.

CHAPTER 258

H. B. No. 132—(Fleck and Brady)

DEFINING THE WORD "DEALER" IN MOTOR VEHICLES

AN ACT

To amend and reenact Subsection 1 of Section 39-0401 of the North Dakota Revised Code of 1943 defining the word "dealer" in motor vehicles.

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

§ 1.] That Subsection 1 of Section 39-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. "Dealer" shall mean every person, co-partnership or corporation engaged in the business, either exclusively or in addition to any other occupation of buying, selling, or exchanging motor vehicles, or shall offer to sell, solicit or advertise the sale or exchange of motor

vehicles, and the sale or exchange of more than three motor vehicles in any one calendar year shall constitute engaging in such business, except in the case of fleet owners purchasing, disposing of or replacing equipment.

Approved March 15, 1947.

CHAPTER 259

H. B. No. 319

(Arndt, Fuglestad, Drawz, Klefstad, Dronen and Johnson of Griggs-Steele)

DEFINING PERSONS DISQUALIFIED TO RECEIVE LICENSES, ALSO RIGHTS AND DUTIES OF NON-RESIDENT LICENSE HOLDERS— SUSPENSION, REVOCATION AND REINSTATEMENT DRIVERS LICENSES

AN ACT

To amend and reenact the following Sections of the North Dakota Revised Code of 1943: Subsection 3 and 6 of Section 39-0602, Section 39-0607, Subsections 2, 4, and 6 of Section 39-0610, Sections 39-0611, 39-0616, 39-0618 and 39-0619, defining persons not qualified to receive drivers' licenses, defining rights and duties of non-resident license holders, providing for the suspension, revocation, and reinstatement of drivers' licenses, prescribing the procedure therefor, requiring the court to detach license card upon conviction, and fixing penalties for making false statements in application for license.

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

§ 1. AMENDMENT.] That Sub-sections 3 and 6 of Section 39-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. Whose operator's license has been withheld or revoked either by this state or any other state during the period such withholding or revocation shall be in full force and effect;
6. Who shall have been found negligent in the operation of a motor vehicle in any civil action for damages growing out of an accident and against whom a judgment shall have been rendered on account thereof, until such person shall have complied with the provisions of Section 39-1406 of the North Dakota Revised Code of 1943.

§ 2. AMENDMENT.] That Section 39-0607 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0607. PENALTY FOR MAKING FALSE STATEMENT IN APPLICATION AND PROCEDURE FOR REVOCATION.] Any person who makes a false statement in the application for a license under the provisions of this chapter is guilty of a misdemeanor, and his license shall be revoked immediately for a period of two years from the date of such revocation. Whenever any person who is not qualified to receive a license nevertheless obtains a license, or whenever any holder of a license willfully alters the same in any material respect, the commissioner may revoke such license after notice and hearing. In such case written notice of hearing shall be served in person or by registered mail not less than twenty days prior to the date of hearing, and if an order of revocation is issued, it shall be served on such person promptly thereafter in person or by registered mail and shall be effective when served.

§ 3. AMENDMENT.] That Sub-sections 2, 4, and 6 of Section 39-0610 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Conviction of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs; or conviction of the offense of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs as defined by any municipal ordinance;
4. Conviction or forfeiture of bail upon two charges of reckless driving within the preceding twelve months; or conviction upon two charges of reckless driving within the preceding twelve months as defined by any municipal ordinance;
6. Conviction of three misdemeanors for violation of the provisions of this chapter or of any law of this state relating to highways during the two year period covered by any single license, the judge of the court in which the person has been convicted or has forfeited bail shall order the revocation, or, in his discretion, the suspension, of the license of said person for not less than thirty days nor more than two years, and thereupon shall cause a certified copy of such order to be sent to the state highway commissioner. The commissioner immediately shall revoke or suspend the license as directed by such order and shall give notice

thereof to such person by mail, and shall require such person forthwith to surrender and return his certificate of license to the commissioner. The court, in like manner, for any of the causes specified in this section, may revoke or suspend the right of any person so convicted who is not the owner of a license, to receive a license. The court also may enjoin any person so convicted from driving any motor vehicle within this state for a period of not to exceed two years.

§ 4. AMENDMENT.] That Section 39-0611 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0611. REINSTATEMENT OF LICENSE; CONDITIONS.] When the period of revocation or suspension has expired, the certificate of the license shall be returned to such person on request, unless it in the meantime has expired, provided such person has furnished proof of financial responsibility as required by chapter 39-14. The court, at any time before the period of revocation or suspension has expired, may order the reinstatement of such license, subject to compliance with said financial responsibility act, or the extension of the period of revocation or suspension within the above specified limits, and the commissioner shall reinstate, or extend the period of revocation or suspension accordingly.

§ 5. AMENDMENT.] That Section 39-0616 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0616. NONRESIDENT NOT REQUIRED TO HAVE OPERATOR'S LICENSE OF THIS STATE IF LICENSED IN HOME STATE: EXCEPTION.] Except as herein provided, a nonresident shall not be required to have an operator's license of this state if he is duly licensed as an operator or chauffeur in his home state or province and if such operator's or chauffeur's license is:

1. Still in force and effect; and
2. In his immediate possession.

Any nonresident holder of an operator's or chauffeur's license who operates a motor vehicle in this state for ninety days, shall be required to obtain an operator's license in this state, provided he is otherwise qualified, and after such ninety day period it shall be unlawful for any such nonresident person to operate a motor vehicle within North Dakota without such license.

§ 6. AMENDMENT.] That Section 39-0618 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0618. NONRESIDENT WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED IN HOME STATE; NOT TO OPERATE VEHICLE IN THIS STATE.] Any nonresident or other person whose license or privilege to operate a motor vehicle has been suspended or revoked shall not operate a motor vehicle in this state during the period of such suspension or revocation.

§ 7. AMENDMENT.] That Section 39-0619 of the North Dakota Revised Code of 1943, as amended by Chapter 245 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0619. COURT TO DETACH PART OF LICENSE CARD UPON CONVICTION; FORWARDING CARD.] Any court in the state upon finding any licensee guilty of a misdemeanor under the provisions of this chapter, or of the laws of this state relating to highways, or upon finding any licensee guilty of violating any city ordinance defining the offense of driving a motor vehicle while under the influence of intoxicating liquor, or the offense of reckless driving, shall detach one of the three license cards, and shall in each such case forward such card immediately to the commissioner with a statement of the facts regarding the offense.

Approved March 21, 1947.

CHAPTER 260

H. B. No. 13

(Langley and Legislative Research Committee at the request of the Highway Department)

DISTANCE BETWEEN TRUCKS ON HIGHWAY

AN ACT

To amend and reenact Section 39-1010 of the North Dakota Revised Code of 1943 providing for trucks following too closely.

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

§ 1. AMENDMENT.] That Section 39-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1010. MOTOR TRUCK NOT TO FOLLOW WITHIN FOUR HUNDRED FEET OF ANOTHER TRUCK.] The driver of any motor truck with a gross weight of five thousand pounds or

more when traveling on a highway outside of a business or residence district shall not follow another motor truck within four hundred feet, but this shall not prevent one motor truck from overtaking and passing another.

Approved March 1, 1947.

CHAPTER 261

H. B. No. 264—(Langley)

DUPLICATE NUMBER PLATES, CERTIFICATES OF TITLE OR REGISTRATION CARDS

AN ACT

To amend and reenact section 39-0513 of the North Dakota Revised Code of 1943, providing for the issuance of duplicate number plates, certificates of title and registration cards in the event of loss and fixing the fees therefor.

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

§ 1. AMENDMENT.] That Section 39-0513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0513. DUPLICATE NUMBER PLATE, CERTIFICATE OR REGISTRATION CARD ISSUED WHEN; FEE.] In the event of the loss of a number plate, certificate of title or registration card the loss of which is accounted for to the satisfaction of the department, a duplicate or substitute may be issued, and the charge therefor shall be one dollar for each duplicate number plate and fifty cents for each duplicate certificate of title or registration card so issued.

Approved March 15, 1947.

CHAPTER 262

H. B. No. 12

(Langley and Legislative Research Committee at the request of Highway Department)

HIGHWAY PATROLMEN, APPOINTMENT, REMOVAL, DUTIES**AN ACT**

To amend and reenact Section 39-0303 and 39-0304 of the North Dakota Revised Code of 1943, and Section 39-0307 as amended and reenacted by Chapter 250 of the Session Laws of North Dakota for the year 1945, providing for the appointment and removal of highway patrolmen, prescribing their qualifications, and prescribing the salaries of the superintendent and assistant superintendent of the state highway patrol.

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

§ 1. AMENDMENT.] That Section 39-0303 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0303. PATROLMEN: APPOINTMENT; REMOVAL; DUTIES.] The superintendent, with the approval of the commissioner, may appoint not more than forty patrolmen who shall constitute the division of highway safety and patrol, provided that not more than thirty patrolmen shall be appointed prior to January first, 1948. Such patrolmen shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol such highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. Any patrolman, except a temporary appointee, shall be subject to removal for cause only by the highway patrol hearing board, which shall consist of the state highway commissioner, secretary of state and attorney general, of which the state highway commissioner shall be chairman. The procedure which shall govern the removal of patrolmen and the appointment and removal of temporary appointees, shall be as follows:

1. Removal proceedings may be initiated by the filing of written charges against the patrolman sought to be removed, verified by the person making the same, which charges shall be filed with the state highway commissioner. If, upon the filing of such charges, the state highway commissioner believes that they constitute grounds for removal, he shall order a hearing thereon before the highway patrol hearing board, and shall fix the time for such hearing, otherwise he shall dismiss such charges;

2. Not less than fifteen days before the time set for the hearing, notice thereof, signed by the chairman, together with a copy of the charge or charges, shall be served on the patrolman accused, by personal service if his whereabouts is known, within the state of North Dakota, otherwise by publication in the manner provided by law for the service of summons in a civil action. The highway patrol hearing board shall have authority to hear such charge or charges and make an appropriate order in the proceedings, which order shall be filed with the commissioner, and, if it shall be an order of removal, it shall be served upon the person removed either personally or by registered mail within ten days after its issuance;
3. In the event the state highway commissioner orders a hearing, he may, at his discretion, suspend such accused patrolman pending the final determination of the charges; and in case the charges are dismissed, such patrolman shall be reinstated without loss of salary during the period of suspension;
4. Any patrolman, who is dismissed by order of the highway patrol hearing board, may appeal to the district court of Burleigh County, which appeal shall be taken and determined in the manner provided by Chapter 32 of the Title Judicial Procedure, Civil; and
5. Each patrolman appointed after July first, 1947, shall be deemed a temporary appointee for a period of nine months, during which period he shall be placed under probationary training and service. At the end of such training period, such temporary appointee shall be automatically dismissed unless he receives a permanent appointment which shall be approved by the commissioner. During such training period, such temporary appointee shall be subject to dismissal at the will of the superintendent.

§ 2. AMENDMENT.] That Subsection 1 of Section 39-0304 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-0304. QUALIFICATIONS OF PATROLMEN; VETERANS HAVE PREFERENCE.] No person shall be appointed as a patrolman unless he has the following qualifications:

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

§ 3. AMENDMENT.] That Section 39-0307 of the North Revised Code of 1943 as amended and reenacted by Chapter

250 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0307. SALARY OF SUPERINTENDENT; ASSISTANT SUPERINTENDENT; LIMITATIONS.] The salaries of the superintendent and assistant superintendent shall be in such sum as shall be appropriated, from time to time, by the legislative assembly. The salary of each patrolman shall be fixed by the superintendent, and all salaries shall be paid monthly.

Approved March 14, 1947.

CHAPTER 263

H. B. No. 202

(Fitch, Benno, Anderson of McKenzie, Halcrow, Schwartz and Esterby)

INTERSTATE VEHICLE FEES

AN ACT

To amend and re-enact Section 39-0449 of the North Dakota Revised Code of 1943, relating to the fees to be paid by interstate vehicles.

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

§ 1. **AMENDMENT.]** That Section 39-0449 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 39-0449. **INTERSTATE VEHICLES TRANSPORTING PROPERTY OR PASSENGERS FOR HIRE TO PAY SAME FEES AS RESIDENT VEHICLES.]** Every person engaged in the hauling or transportation for hire or compensation of property or person by motor vehicle from any state into this state for a distance of more than twenty miles, or from any state through this state, shall be required to register each such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

Approved March 11, 1947.

CHAPTER 264

H. B. No. 251—(Esterby, Siverson, Hogoboom and Homelvig)

LENGTH LIMITATIONS MOTOR VEHICLES**AN ACT**

To amend and reenact subsection 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended and reenacted by section 1 of chapter 246 of the session laws of North Dakota for the year 1945, relating to the length limitations on motor vehicles and providing exceptions thereto.

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

§ 1. AMENDMENT.] That Subsection 3, Section 39-1204 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 1 of Chapter 246 of the session laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

3. A length, including the load thereon, of thirty-five feet. No combination of vehicles, including the load thereon, shall exceed a length of forty-five feet. No more than two units shall be used in a combination, and a tractor-truck and a semi-trailer shall be considered as two units. The provisions of this subsection shall not apply to the carriage of equipment of the army or the defense forces of the United States Government, the national guard of this state, nor to vehicles engaged in interstate commerce which do not come into the state of North Dakota a distance greater than twenty miles from the boundary of said state on any given trip and which do not travel on the highways of this state a distance of more than forty miles on said trip; provided, that any person so engaged in interstate commerce, desiring to enter the state for a distance of not to exceed twenty miles as herein provided, shall make application to the North Dakota highway commissioner for a permit so to do, which permit shall be furnished in the discretion of the commissioner and without cost, and shall cover such period of time as the commissioner in his discretion shall determine, nor to structural material of telephone, power and telegraph companies which necessarily must be transported on the highways on account of the location of their lines adjacent to such highways. Other structural material which could not be transported over the highways of this state on account of the provisions of this subsection, upon a showing of reasonable necessity and that the transporting of such structural material will not damage the highways to be used, may be transported upon obtaining a tem-

porary permit from the commissioner or from any employee designated by the commissioner for such purposes.

Approved March 11, 1947.

CHAPTER 265

H. B. No. 10

(Langley and Legislative Research Committee at the request of State Highway Department)

OPERATORS LICENSE APPLICANT TESTS, FEE

AN ACT

To amend and reenact Section 39-0606 of the North Dakota Revised Code of 1943 providing for the examination of applicants for motor vehicle operator's licenses, and to amend and reenact Section 39-0605 of the North Dakota Revised Code of 1943 providing for the issuance of a junior license to minors under the age of fourteen.

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

§ 1. AMENDMENT.] That Section 39-0606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0606. APPLICANT FOR LICENSE REQUIRED TO TAKE PHYSICAL, MENTAL, AND DRIVING TESTS; FEE FOR PHYSICAL EXAMINATION.] In case any application for a motor vehicle operator's license, or other information coming to the attention of the state highway department of this state, suggests or indicates that the applicant may be lacking in qualifications necessary to entitle him to such license, he may be required to undergo an examination under oath, and such physical, mental and driving tests as may be necessary to determine his qualifications. To facilitate such examination and tests, the commissioner may require any patrolman, chief of police, sheriff or deputy sheriff to conduct the same in accordance with such reasonable rules as the state highway department may prescribe. In such examination and tests, the person to be examined shall furnish the motor vehicle to be used in connection with the examination and shall appear at such time and place in the city or village nearest the applicant's residence as the commissioner shall designate. The officer conducting such examination and tests shall forward a report of the same on a blank furnished by the state highway department, with a recommendation as to whether or not an operator's

license should be issued to the applicant. When the state highway department shall require a physical examination for an operator's license, the cost of such examination shall be paid by the applicant, but no physician shall charge more than two dollars for the examination. The commissioner may also require the following applicants to undergo a like examination and test:

1. Every person who applies for an operator's license after July first, 1947, who has not previously received an operator's license in this state;
2. Every person whose license has been suspended or revoked pursuant to the provisions of Section 39-0610 of the North Dakota Revised Code of 1943;
3. Every operator of a motor vehicle involved in an accident resulting in the death or injury of another person; and
4. The commissioner may issue a temporary permit to any person who applies for an examination and test under the provisions of this Section, which shall entitle the holder to operate a motor vehicle until such examination and test is given, and may remove the same at any time.

§ 2. AMENDMENT.] That Section 39-0605 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0605. CHILD UNDER SIXTEEN YEARS OF AGE ENTITLED TO LICENSE; QUALIFICATIONS: RESPONSIBILITY OF PARENTS: LICENSE LIMITATIONS: COMMISSIONER AUTHORIZED TO ISSUE JUNIOR LICENSE UNDER CERTAIN CONDITIONS.] An operator's license may be issued to any child, who is more than fourteen years of age and less than sixteen years of age, otherwise qualified, upon the written recommendation of the county judge of the county in which such child resides. No county judge shall make a recommendation for the issuance of an operator's license to a child who is less than sixteen years of age unless such child, accompanied by his parent or guardian, shall appear in person before him and satisfy such judge that:

1. Such child is at least fourteen years of age;
2. Such child appears to be qualified to operate an automobile safely; and
3. It is necessary for such child to drive his parent's or guardian's automobile without being accompanied by some person over sixteen years of age.

The parent or guardian, at all times, shall be responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this section shall not authorize such child to drive a motorcycle, commercial truck, motor bus, or taxicab. The commissioner may also issue a junior license to a minor under the age of fourteen upon application by parent, guardian or lawful custodian of said minor when necessity for same is shown and ability to drive demonstrated. Such license shall be restricted to the operation of a motor vehicle registered to the licensee's parent, guardian, or employer, either to or from school, to or from work, or on business of the parent, guardian, or employer, unless the licensee is accompanied by and under the immediate supervision of an adult. Such restrictions shall be made in writing and attached to and become a part of such junior license. The possession of a junior license shall not authorize the licensee to operate a motor vehicle in violation of any law, nor in violation of any rule of regulation of the State or Federal authorities relating to employment of minors.

Approved March 14, 1947.

CHAPTER 266

H. B. No. 11

(Langley and Legislative Research Committee at the request of State Highway Department)

MOTOR VEHICLE OPERATOR'S LICENSE, TERM AND FEES

AN ACT

To amend and reenact Section 39-0609 of the North Dakota Revised Code of 1943 providing for the term and fees of motor vehicle operator's licenses.

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

§ 1. AMENDMENT.] That Section 39-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0609. TERM AND FEES OF LICENSES.] A motor vehicle operator's license shall be issued for a term of two years, which shall commence on July first of each odd numbered year, beginning with July first, 1947, and expire on June thirtieth of the next succeeding odd numbered calendar year. The fee for such license shall be two dollars for each term or

part thereof, except that applicants under eighteen years of age shall pay the sum of one dollar for each license.

Approved March 14, 1947.

CHAPTER 267

S. B. No. 44

(Brant for Legislative Research Committee at request of Highway Department)

LICENSE FEES COMMERCIAL AND NON-COMMERCIAL TRUCKS

AN ACT

To amend and reenact Section 39-0424 of the North Dakota Revised Code of 1943 as amended by Chapter 248 of the Session Laws of North Dakota for the year 1945, providing for license fees for commercial and noncommercial trucks.

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

§ 1. AMENDMENT.] That Section 39-0424 of the North Dakota Revised Code of 1943 as amended by Chapter 248 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0424. FEES FOR COMMERCIAL AND NONCOMMERCIAL TRUCKS.] All commercial and noncommercial trucks, except vehicles for the transportation of passengers, and vehicles excluded by Section 39-0453, shall pay the following registration fees:

SCHEDULE A

GROSS WEIGHT	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	MIN. 7th Year
4,000	25.00	23.75	22.50	21.25	20.00	18.75	17.50
6,000	31.00	29.50	28.00	26.50	25.00	23.50	22.00
8,000	38.00	36.00	34.00	32.00	30.00	28.00	26.75
10,000	44.00	41.75	39.50	37.25	35.00	32.75	30.75
12,000	50.00	47.50	45.00	42.50	40.00	37.50	35.00
14,000	56.00	53.25	50.50	47.75	45.00	42.25	39.25
16,000	63.00	59.75	56.50	53.25	50.00	46.75	44.00
17,000	69.00	65.50	62.00	58.50	55.00	51.50	48.25
18,000	75.00	71.25	67.50	63.75	60.00	56.25	52.50
20,000	81.00	77.00	73.00	69.00	65.00	61.00	56.75
22,000	88.00	83.50	79.00	74.50	70.00	65.50	61.50
24,000	94.00	89.25	84.50	79.75	75.00	70.25	65.75
26,000	100.00	95.00	90.00	85.00	80.00	75.00	70.00
28,000	106.00	100.75	95.50	90.25	85.00	79.75	74.25
30,000	125.00	118.75	112.50	106.25	100.00	93.75	87.50
32,000	156.00	148.25	140.50	132.75	125.00	117.25	109.25
34,000	188.00	178.50	169.00	159.50	150.00	140.50	131.50
36,000	225.00	213.75	202.50	191.25	180.00	168.75	157.50
38,000	263.00	249.75	236.50	223.25	210.00	196.75	184.00
40,000	313.00	297.25	281.50	265.75	250.00	234.25	219.00
42,000	369.00	350.50	332.00	313.50	295.00	276.50	258.25
44,000	425.00	403.75	382.50	361.25	340.00	318.75	297.50
46,000	482.00	458.00	434.00	410.00	385.00	362.00	337.50
48,000	538.00	511.00	484.00	457.00	430.00	403.00	376.75
50,000	594.00	564.25	534.50	504.75	475.00	445.25	415.75
52,000	650.00	617.50	585.00	552.50	520.00	487.50	455.00
54,000	707.00	671.50	636.00	600.50	565.00	529.50	495.00
56,000	763.00	724.75	686.50	648.25	610.00	571.75	534.00
58,000	819.00	778.00	737.00	696.00	655.00	614.00	573.25

Over 40,000 pounds add fifty-six dollars and twenty-five cents for each additional 2,000 pounds or fraction thereof. For vehicles registered after January 1, 1943, and prior to July 1, 1947, the fee shall remain at the 1947 registration fee level, which shall be the annual fee thereafter until the schedule provided for in this Act authorizes further reductions.

Approved March 10, 1947.

CHAPTER 268**S. B. No. 43****(Brant for Legislative Research Committee
at request of Highway Department)****REVISED FEE SCHEDULE MOTOR VEHICLES WITHIN MUNICIPALITY
OR CARRYING AGRICULTURAL PRODUCTS****AN ACT**

To amend and reenact Section 39-0453 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 1 of Chapter 247, of the Session Laws of North Dakota for the year 1945, relating to license required by certain motor vehicles, providing for a revised fee schedule and the annual reduction of such fees; providing a penalty.

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

§ 1. AMENDMENT.] That Section 39-0453 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 1 of Chapter 247, of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0453. FEES FOR VEHICLES OPERATED WITHIN MUNICIPALITY OR TRANSPORTING AGRICULTURAL PRODUCTS.] The owner of a motor vehicle which:

1. Is used by the owner of such vehicle for the transportation of farm or agricultural products of such owner from the farm where such products are produced or grown to the market, or the transportation of goods of the owner of such vehicle from the market or from livestock markets to the farm of such owner;
2. Is used for the transportation of any and all property between the farms and the usual local trading places and between the farms and the livestock markets of the person for whom such transportation is performed or between farms locally, except when operated directly for hire or profit; or
3. Operates exclusively within the corporate limits of any city or village, or within two miles thereof, shall pay the following registration fees:

SCHEDULE B

GROSS WEIGHT	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year	8th Year	9th Year	10th Year	Min. 11th Year
4,000	17.00	16.00	15.00	14.00	13.00	12.00	11.00	10.00	9.50	9.00	8.50
6,000	20.00	19.00	18.00	17.00	16.00	15.00	14.00	13.00	12.00	11.00	10.00
8,000	23.00	22.00	21.00	20.00	19.00	18.00	17.00	16.00	14.50	13.00	11.50
10,000	26.50	25.00	23.50	22.00	20.50	19.00	18.00	17.00	16.00	14.50	13.25
12,000	29.50	28.00	26.50	25.00	23.50	22.00	21.00	20.00	18.00	16.00	14.75
14,000	32.50	30.50	28.50	27.00	25.50	24.00	23.00	21.00	19.00	17.00	16.25
16,000	35.50	33.50	31.50	29.50	27.50	25.50	24.00	22.50	21.00	19.00	17.75
18,000	39.00	37.00	35.00	33.00	31.00	29.00	27.00	25.00	23.00	21.00	19.50
20,000	42.50	40.50	38.50	36.50	34.50	32.50	30.50	28.00	25.50	23.00	21.25
22,000	46.50	44.00	41.50	39.00	36.50	34.00	31.50	29.50	27.50	25.00	23.25
24,000	50.00	47.50	45.00	42.50	40.00	37.50	35.00	32.50	30.00	27.00	25.00

Provided that for registrations under Schedule B of gross weights over 24,000 pounds, the fee schedule of Schedule A will be applied. Trucks used by star and rural mail carriers in the course of their duties in the delivery of mail, and equipped with special auxiliary equipment for use in snow and mud, shall be charged a license fee of three dollars per annum. For vehicles registered after January 1, 1943, and prior to July 1, 1947, the fee shall remain at the 1947 registration fee level, which shall be the annual fee thereafter until the schedule provided for in this Act authorizes further reductions. Vehicles registered prior to January 1, 1943 shall be registered under the following minimum fee schedule according to the year of first registration, which shall be the minimum fee thereafter:

GROSS WEIGHT	1942	1941	1940	1939	YEAR 1938	1937	1936	1935	1934 & Before
4,000	8.00	7.50	7.00	7.00	7.00	7.00	7.00	6.00	5.00
6,000	10.00	9.50	9.00	7.00	7.00	7.00	7.00	6.00	5.00
8,000	11.50	11.00	11.00	9.00	8.50	8.50	8.00	7.00	5.00
10,000	13.25	13.25	13.00	11.00	10.00	9.50	8.00	7.00	5.00
12,000	14.75	14.75	14.00	13.50	12.00	10.50	9.00	7.50	5.00
14,000	16.25	16.25	16.00	14.50	13.00	11.50	10.00	8.50	6.00
16,000	17.25	17.25	17.00	15.50	14.00	12.50	11.00	9.50	7.00
18,000	19.00	18.50	18.00	16.50	15.00	13.50	12.00	10.50	8.00
20,000	20.75	20.00	19.00	17.50	16.00	14.50	13.00	11.50	9.00
22,000	22.25	21.25	20.00	18.50	17.00	15.50	14.00	12.50	10.00
24,000	23.75	22.50	21.00	19.50	18.00	16.50	15.00	13.50	11.00

§ 2. PENALTY:] Any person found operating a motor vehicle, under the provisions of this Act, in a classification which would require a higher fee under another classification than that fee for which he was currently licensed, shall have his present license canceled and shall be required to obtain a full year's license in the proper higher fee schedule.

Approved March 10, 1947.

CHAPTER 269

S. B. No. 45

(Brant for Legislative Research Committee at request of Highway Department)

LICENSE FEES PASSENGER MOTOR VEHICLES

AN ACT

To amend and reenact Section 39-0422 of the North Dakota Revised Code of 1943, providing license for fees for passenger motor vehicles.

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

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

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

WEIGHT	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year	8th Year	9th Year	10th Year	Min. Fee
2000	15.50	14.75	14.00	13.25	12.50	11.75	11.00	10.25	9.50	8.75	7.75
2001-2500	17.50	16.75	16.00	15.25	14.50	13.75	13.00	12.25	11.50	10.75	8.75
2501-2800	20.50	19.50	18.50	17.50	16.50	15.50	14.50	13.50	12.50	11.50	10.25
2801-3200	25.00	23.75	22.50	21.25	20.00	18.75	17.50	16.25	15.00	13.75	12.50
3201-3600	31.25	29.75	28.25	26.75	25.25	23.75	22.25	20.75	19.25	17.75	15.50
3601-4000	34.25	32.50	30.75	29.00	27.25	25.50	23.75	22.00	20.25	18.50	17.25
4001-4500	46.75	44.50	42.25	40.00	37.75	35.50	33.25	31.00	28.75	26.50	23.50
4501-5000	62.50	59.50	56.50	53.50	50.50	47.50	44.50	41.50	38.50	35.50	31.25
5001-6000	87.50	83.00	78.50	74.00	69.50	65.00	60.50	56.00	51.50	47.00	43.75
6001-7000	112.50	107.00	101.50	96.00	90.50	85.00	79.50	74.00	68.50	63.50	56.25
7001-8000	137.50	130.00	123.50	116.50	109.50	102.50	95.50	88.50	81.50	74.50	68.75
8001-9000	162.50	154.50	146.50	138.50	130.50	122.50	114.50	106.50	98.50	90.50	81.25
9000 & over	187.50	178.25	169.00	159.75	150.50	141.25	132.00	122.75	113.50	104.25	93.75

For vehicles registered after January 1, 1943 and prior to July 1, 1947, the fee shall remain at the 1947 registration fee level, which shall be the annual fee thereafter until the schedule provided for in this Act authorizes further reductions. Vehicles registered prior to January 1, 1943 shall be registered under the following minimum fee schedule according to the year of first registration, which shall be the minimum fee thereafter:

WEIGHT	1942	1941	1940	1939	1938	1937	1936	1935	1934 & Before
2000	7.00	7.00	7.00	7.00	7.00	7.00	6.00	5.00	5.00
2001-2500	8.00	8.00	8.00	8.00	8.00	7.00	6.00	5.00	5.00
2501-2800	9.00	9.00	9.00	9.00	8.00	7.00	6.00	5.00	5.00
2801-3200	12.00	11.00	10.00	9.00	8.00	7.00	6.00	5.00	5.00
3201-3600	14.00	12.50	11.50	10.00	8.50	7.00	6.00	5.00	5.00
3601-4000	15.75	14.25	13.00	11.50	10.00	8.50	7.00	6.00	5.00
4001-4500	20.50	17.50	14.50	13.00	11.50	10.00	8.50	7.00	5.00
4501-5000	26.00	21.00	16.00	14.00	12.00	10.00	8.50	7.00	5.00
5001-6000	36.00	29.00	22.00	20.00	17.50	15.00	12.50	10.00	7.50
6001-7000	47.00	38.50	30.00	26.00	21.50	18.00	14.50	11.00	7.50
7001-8000	57.75	46.75	36.00	32.50	27.50	22.50	17.50	13.50	7.50
8001-9000	69.00	55.50	42.00	36.50	31.50	25.50	19.50	13.50	7.50
9000 & Over	79.00	64.50	50.00	43.00	36.00	29.00	22.00	15.00	7.50

Approved March 10, 1947.

CHAPTER 270

H. B. No. 33

(Langley and Legislative Research Committee at request of Governor's
Safety Conference)

QUALIFICATIONS SCHOOL BUS DRIVERS, DEFINING SCHOOL BUS

AN ACT

Relating to the qualifications of school bus drivers, their physical fitness,
character, and age, and defining the term school bus.

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

§ 1. QUALIFICATIONS, CHARACTER, AND AGE OF SCHOOL BUS DRIVERS.] The driver of a school bus shall be in good physical and mental health, able-bodied, free from communicable diseases, and shall have normal use of both hands, both feet, both eyes, both ears. It shall be the duty of school boards to designate reputable physicians to examine each driver annually. It shall be the duty of each driver to present the physician's certificate of physical fitness to the employing school board before a contract is signed. Such driver shall possess a good moral character, and shall be at least eighteen and not more than sixty years of age and shall be required to have a North Dakota driver's license.

§ 2. SCHOOL BUS DEFINED.] The term school bus as used in this Act shall mean a passenger motor vehicle having an actual seating capacity of twelve or more passengers.

Approved March 15, 1947.

CHAPTER 271

H. B. No. 200

(Fitch, Benno, Anderson of McKenzie, Halcrow, Schwartz and Esterby)

MOTOR VEHICLE REGISTRATION FEES EXEMPTION; RECIPROCITY
ON FEES

AN ACT

To amend and reenact the following sections in the North Dakota Revised Code of 1943; Section 39-0421; 39-0425; Section ~~39-0431~~ as amended and reenacted by section 2 of chapter 251 of the Session Laws of North Dakota for the year 1945; Section 39-0449; and section 3 of chapter 251 of the Session Laws of North Dakota for the year 1945, relating to the registration of motor vehicles within the state of North Dakota, providing for certain exemptions, and, providing for reciprocity on motor vehicle license fees.

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

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

39-0421. MOTOR VEHICLES EXEMPT FROM REGISTRATION FEES; RECIPROCAL USE OF STATE HIGHWAYS BY FOREIGN LICENSED MOTOR VEHICLES.] All motor vehicles owned and operated by this state or by any of its subdivisions shall be required to register and display number plates on such vehicles. Such vehicles shall be exempt from the payment of all registration fees provided for in this chapter, except that one dollar shall be charged for each set of number plates issued, to cover the cost of such plates and registration. Provided, that any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered in any state of the United States, the District of Columbia, or any foreign province, state or country, which vehicle carries the number plates indicating such registration and licensing in such foreign state, and which vehicle is not engaged, operated or used in intra-state commerce within this state, may be operated over the highways of the state of North Dakota without being registered or licensed in this state, during the year of such foreign registration and licensing, where such state, district or foreign province or state allows any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered and licensed in this state to be operated tax free upon its streets and highways under conditions substantially as favorable to residents of North Dakota as are granted herein to non-residents; provided further that any one who desires to take advantage of the reciprocity provisions of this chapter shall make application in duplicate to the North Dakota public service commission, giving the point of entry and routes of travel within

the state and receive a permit which shall be furnished without cost. The public service commission shall transmit one copy of such application to the highway commissioner prior to issuance of such permit; provided further, that the owner of such motor vehicle has not moved to the state of North Dakota, in which case the vehicle must be registered for the remainder of the calendar year as provided by the provisions of this chapter.

§ 2. AMENDMENT.] That Section 39-0425 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0425. TRUCK, TRACTOR, TRUCK-TRACTOR, SEMI-TRAILER, TRAILER: LICENSE FEE.] No truck, tractor, truck-tractor, semi-trailer, or trailer shall be operated on the highways of this state engaged exclusively in transporting property in interstate commerce or between this state and any province in the Dominion of Canada, except as provided by Section 39-0421, unless such vehicle has been registered and a license plate of a distinctive color issued therefor by the registrar. The applicant shall pay therefor a fee of five dollars for each such vehicle and in addition thereto truck-mile tax as compensation for the use of the highways, which tax shall be based upon the unloaded weight of the vehicle and the distance that such vehicle travels on the highways of this state. The tax on each motor vehicle or combination of vehicles shall be ascertained by multiplying the number of miles traveled by each of such vehicles on the highways of this state by the rate per mile as provided in this chapter.

§ 3. AMENDMENT.] That Section 39-0431 of the North Dakota Revised Code of 1943 as amended by Section 2 of Chapter 251 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

39-0431. TRUCK-MILE TAX: EXCEPTION.] The truck-mile tax (imposed by this act) shall not be required upon a vehicle already registered under an authorized intrastate certificate or permit issued by the public service commission, upon which the prescribed fees have been paid and which already has been registered with the motor vehicle department, and for which the regular vehicle license plates as well as commercial C plates, provided by statute, have been purchased and displayed on said vehicle nor upon any vehicle exempted under the provisions of Section 39-0421, even though said truck also is engaged in interstate commerce.

§ 4. AMENDMENT.] That Section 39-0449 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0449. INTERSTATE VEHICLES TRANSPORTING PROPERTY OR PASSENGERS FOR HIRE TO PAY SAME FEES AS RESIDENT VEHICLES.] Every person engaged in the hauling or transportation for hire or compensation of property or person by motor vehicle from any state into this state for a distance of more than twenty miles, or from any state through this state, except as provided in Section 39-0421, shall be required to register each such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

§ 5. AMENDMENT.] That Section 3 of Chapter 251 of the 1945 Session Laws is hereby amended and reenacted to read as follows:

3. IMPOSING FEES IN LIEU OF TRUCK-MILE TAX.] Any motor carrier engaged exclusively in interstate commerce, except as provided by Section 39-0421, who has not obtained an intrastate certificate, may, at his election, in lieu of paying the truck-mile tax imposed by this Act register every vehicle used in this state with the motor vehicle department and pay the fees for the regular license plates and commercial C plates, or identification tag, as required by law, and in addition thereto:

1. Pay a fee of thirty dollars annually on or before the fifteenth day of April of each year; and
2. Pay the sum of fifteen dollars per vehicle or combination of vehicles as a listing fee, provided however, that the total listing fee shall not exceed the total sum of one hundred fifty dollars. Provided however, that every private carrier, who is solely engaged in interstate commerce, who shall secure the regular license plates and pay the fees required by law therefor, shall be exempt from the truck-mile tax imposed herein. The fee imposed by this section in lieu of the truck-mile tax shall be paid as compensation for the right and privilege of using the public highways of this state to engage in interstate commerce.

Approved March 15, 1947.

CHAPTER 272**H. B. No. 194—(Fleck)****REGISTRATION FEE EXEMPTION DISABLED VETERANS**

AN ACT

Providing for the exemption of certain disabled veterans from payment of registration fee for vehicle owned by disabled veterans, and declaring an emergency.

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

§ 1. Any disabled veteran owning an automobile under the provisions of Public Law 663 of the 79th Congress of the United States shall be exempt from the payment of the registration fee provided for in Chapter 39-04 of the North Dakota Revised Code of 1943, except that one dollar shall be charged for each set of number plates issued, to cover the cost of such plates and registration on one passenger car owned and operated by him for his natural life.

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

Approved March 7, 1947.

CHAPTER 273**H. B. No. 34**

(Langley and Legislative Research Committee
at request of Governor's Safety Conference)

**RESPONSIBILITY MOTOR VEHICLE DRIVER MEETING
SCHOOL BUS STOPPED ON HIGHWAY****AN ACT**

Relating to the responsibility of any driver of a motor vehicle upon meeting or overtaking any school bus which has stopped for the purpose of receiving and discharging school children, and providing a penalty.

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

§ 1. RESPONSIBILITY OF ANY DRIVER OF A MOTOR VEHICLE UPON THE HIGHWAYS OF NORTH DAKOTA.] A driver of any motor vehicle on a highway outside of a business or residential district, upon meeting or overtaking any school bus

which has stopped on the highway for the purpose of receiving or discharging school children, shall come to a complete stop and shall not resume motion until the school bus has completed loading or unloading passengers. This section shall be applicable only in the event that the school bus shall bear the words "SCHOOL BUS" in black letters at least four inches high on both the front and rear of the body, or on a sign attached thereto.

§ 2. PENALTY.] Any operator of a motor vehicle violating the provisions of Section 1 shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than twenty-five, nor more than one hundred dollars, or to imprisonment in the county jail for not less than five days nor more than thirty days, or by both such fine and imprisonment.

Approved March 14, 1947.

CHAPTER 274

H. B. No. 211

(Holand, Lillehaugen, Elnarson, Brickner and Graham)

SPECIAL FEE FOR 'UNSATISFIED JUDGMENT FUND'— PAYMENT OF CERTAIN JUDGMENTS, ETC.

AN ACT

Providing for a special registration fee on motor vehicles, establishing a fund in the State Treasury to be known as the "Unsatisfied Judgment Fund" from the fees derived therefrom, authorizing the payment from such fund of certain judgments for damages resulting from bodily injury to, or death of, persons arising from the ownership, maintenance, operation or use of a motor vehicle by the judgment debtor, providing the procedure, conditions and limitations therefor, and prescribing the conditions under which such judgment debtor, whose driver's license, driving privilege or registration privilege has been suspended or revoked, may have his license, driving privilege or registration privilege restored.

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

§ 1. The owner of each motor vehicle registered under the registration laws of this state, shall, at the time of registering the same in each year commencing with January 1, 1948, pay to the Motor Vehicle Registrar in addition to the registration fees, a fee of \$1.00 for each motor vehicle registered.

§ 2. The fees paid pursuant to Section 1 hereof shall be deposited with the State Treasurer, who shall credit the same to a special fund which shall be known as the "Unsatisfied Judgment Fund" which fund is hereby established for the purposes of this Act; provided that if on the 31st day of December in any year the amount of such fund exceeds \$175,000.00, the requirement for the payment of such fee shall be suspended during the succeeding year and until such year in which, on the 1st day of January, the amount of such fund is less than \$100,000.00, when such fee shall be reimposed and collected as provided herein.

§ 3. Where any person, who is a resident of this state, recovers in any court in this state a judgment for an amount exceeding \$300.00 in an action for damages resulting from bodily injury to, or the death of, any person occasioned by, or arising out of, the ownership, maintenance, operation or use of a motor vehicle by the judgment debtor in this state, upon such judgment becoming final, such judgment creditor may, in accordance with the provisions of this Act, apply to the Judge of the District Court in which such judgment was rendered, upon notice to the Attorney General, for an Order directing payment of the judgment out of said fund. Upon the hearing of the application, the judgment creditor shall show: (1) that he has obtained judgment as set out in this section, stating the amount thereof and the amount owing thereon at the time of the application; (2) that he has caused an execution to be issued thereon, and that (a) the Sheriff has made a return thereon showing that no property of the judgment debtor liable to be seized in satisfaction of the judgment debt, could be found, or (b) the amount realized on the sale of property seized, or otherwise realized under the execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due thereon; (3) that he has caused the judgment debtor, where the judgment debtor is available, to be examined pursuant to law for that purpose, touching his property, and in particular as to whether the judgment debtor is insured under a policy of automobile insurance against loss occasioned by his legal liability for bodily injury to, or the death of, another person; (4) that he has made an exhaustive search and inquiry to ascertain whether the judgment debtor is possessed of property, real or personal, liable to be sold or applied in satisfaction of the judgment; and (5) that as a result of such search, inquiry and examination, he has learned of no property, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or that he has learned of certain property, describing it, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all neces-

sary proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the amount remaining due thereon.

§ 4. The Attorney General may appear and be heard on said application and may show cause, if any there be, why the order applied for should not be made.

§ 5. If the Court is satisfied of the truth of the matters shown by the judgment creditor as required by Section 3, and if the applicant has taken all reasonable steps to enforce the collection of said judgment, that there is good reason for believing that the judgment debtor has no property liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and is not insured under a policy of automobile insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment, the Court shall make an Order directed to the State Treasurer requiring him, subject to the provisions of Section 7 hereof, to pay from said fund the amount of the judgment or the balance owing thereon, and the State Treasurer shall comply with such order.

§ 6. An Order made under Section 3 shall be subject to appeal to the Supreme Court by the judgment creditor, or by the Attorney General, in the manner provided by law for the taking of appeals from final Orders in a civil action.

§ 7. No Order shall be made by the Court directing the payment of more than \$5,000.00, exclusive of costs, in the case of a judgment resulting from bodily injury to, or the death of, one person in one accident, nor, subject to such limit of \$5,000.00 for each person so injured or killed in one accident, shall an Order be made directing the payment of judgments for more than \$10,000.00, exclusive of costs, in cases arising out of one accident. In cases where the judgment creditor has effected the collection of a part of his judgment from any source, the amount authorized to be paid from such fund shall be the difference between the amount of the judgment, provided that it does not exceed \$5,000.00, and the amount realized thereon.

§ 8. Before making any payment on any such judgment from the fund in compliance with an Order, the State Treasurer shall require the judgment creditor to assign such judgment to the State Treasurer for the use and benefit of said fund.

§ 9. In the event, at the time of the filing of such Order, there is not sufficient monies in said fund to satisfy said

Order, such Order shall be registered by the State Treasurer and shall be paid when the monies are available in said fund and subsequent Orders shall be paid therefrom in the order of registration; provided, that if more than two judgments are obtained against a judgment debtor upon causes of action arising out of one accident and the aggregate amount due thereon, after crediting collections, if any, exceeds \$10,000.00, the Court in making its Order shall direct that the State Treasurer shall prorate the distribution from the fund in the proportion which each such judgment or the balance unpaid thereon bears to the sum of \$10,000.00.

§ 10. Where the driver's license or driving privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or revoked pursuant to the laws of this State, and the State Treasurer has paid from the fund any amount toward the satisfaction of a judgment and costs recovered against such person, the suspension or revocation shall not be removed, nor the driver's license or driving privileges or registration restored, nor any new license or driving privilege issued or granted to or registration be permitted to be made by such person until he has repaid in full to the State Treasurer the amount so paid by him from such fund, together with interest thereon at the rate of 2% per annum from the date of such payment; and has furnished proof of financial responsibility as required by the laws of this State; Provided that the court in which such judgment was rendered, may, upon ten days notice to the Attorney General, make an order permitting payment of the amount which such person is indebted to the fund, to be paid in installments, and in such case, such person's driver's license, or his driving privileges, or registration privileges, if the same have been suspended or revoked, or have expired, may be restored and shall remain in effect until and unless such person defaults in making any installment payment specified in such order. In the event of any such default, the Commissioner shall, upon notice of such default, suspend such person's driver's license, or driving privileges or registration privileges until the amount of his debt to the fund has been paid in full.

Approved March 21, 1947.

CHAPTER 275

H. B. No. 15

(Langley and Legislative Research Committee
at the request of the Highway Department)

SPEED LIMITATIONS MOTOR VEHICLES

AN ACT

To amend and reenact Subsection 8 of Section 39-0902 of the North Dakota revised Code of 1943 providing for speed limitations.

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

§ 1. AMENDMENT.] That Subsection 8 of Section 39-0902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0902. SPEED LIMITATIONS.]

8. The highway commissioner may designate specific areas of state highways where the maximum speed limit of sixty miles per hour for passenger vehicles from sunrise to sunset is permissible. The maximum speed limit for all trucks shall be fifty miles per hour. A lower speed limit than fifty miles per hour may be designated for all vehicles in certain areas by the commissioner if in his opinion conditions warrant this action. Fifty miles per hour under all other conditions.

Approved March 13, 1947.

CHAPTER 276

H. B. 201

(Fitch, Benno, Anderson of McKenzie,
Halcrow, Schwartz and Esterby)TAX EXEMPTIONS; VEHICLES WITHIN CORPORATE LIMITS;
OUT-OF-STATE VEHICLES

AN ACT

To amend and reenact Section 39-0432 of the North Dakota Revised Code of 1943 relating to taxation of motor vehicles using the highways of the State of North Dakota for commercial purposes; and engaged in transportation for hire in interstate commerce.

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

§ 1. AMENDMENT.] That Section 39-0432 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

39-0432. TAX EXEMPTIONS; VEHICLES WITHIN CORPORATE LIMITS OF MUNICIPALITIES; OUT-OF-STATE VEHICLES.] No tax shall be required from any truck, tractor, truck-tractor, semi-trailer, or trailer when such vehicle engaged in interstate commerce does not come into the State of North Dakota a distance greater than twenty miles from the boundary of said state on any given trip, and does not travel on the highways of this state a distance of more than forty miles on said trip, nor shall any tax be required where said vehicle does not leave the incorporated limits of any village or city while in the State of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city, village, or contiguous cities and villages, and twenty miles distant therefrom. Nothing contained in this section shall be construed as preventing trucks, tractors, truck-tractors, semi-trailers, or trailers from coming into the state such distance as shall be necessary to reach the nearest railway shipping station on the most direct traveled route from the state line to said station if under the law of the state of the residence of such owner like exemptions and privileges are granted to vehicles duly registered under the law and owned by residents of this state.

Approved March 11, 1947.