

MOTOR VEHICLES

CHAPTER 232

S. B. No. 67
(Solberg and Sandness)

HIGHWAY PATROL ENFORCEMENT OF CLOSING HOURS OF PLACES SELLING ALCOHOLIC BEVERAGES OUTSIDE MUNICIPAL LIMITS

AN ACT

To create subsection 10 of section 39-0309 of the North Dakota Revised Code of 1943, relating to powers of the highway patrol.

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

§ 1. AMENDMENT.) Subsection 10 of section 39-0309 of the North Dakota Revised Code of 1943 is hereby created to read as follows:

10. To enforce all laws, rules or regulations of the state of North Dakota pertaining to the closing hours of all business or establishments selling alcoholic beverages outside the limits of incorporated cities and villages of this state.

Approved March 13, 1953.

CHAPTER 233

S. B. No. 256

(Nordhougen, Luick, Streibel and Sayer)

HIGHWAY PATROL SUPPLIES AND EQUIPMENT;
ADVERTISEMENT FOR BIDS

AN ACT

To limit the power of the department of the state highway patrol to the purchase of supplies and equipment without first advertising for bids.

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

§ 1. CONTRACTS; BIDS.) Whenever the cost of any improvement or the purchase price of equipment or materials and supplies shall exceed the sum of one thousand dollars, the department of the state highway patrol shall proceed to advertise the same, request bids, and award such contracts in the manner provided in this act. Whenever any proposed contract or purchase of the state highway patrol shall be for a sum less than one thousand dollars, it shall be discretionary with the state highway patrol whether the same shall be awarded after advertising for bids. The department shall request bids from as many contractors, manufacturers and dealers as can be requested conveniently.

§ 2. REQUESTS FOR BIDS; HOW ADVERTISED.) Any request for bids for equipment, materials or supplies in excess of one thousand dollars including the value of any vehicle or material received in trade or exchange to apply on the purchase price shall be advertised by publication once a week for a period of two successive weeks, prior to the opening of such bids, in the official newspaper of Burleigh county, North Dakota, and in some trade publication of general circulation among the motor vehicle dealers or suppliers of this state. Such advertisement shall state with whom the bids shall be filed and the time and place where the bids shall be opened. Such place shall be the office of the state highway patrol.

§ 3. BIDS; REQUIREMENT.) All bids shall be opened at the time and place specified. Each bid shall be accompanied by a certified check of the bidder in an amount equal to ten per cent of his bid. Such check shall be forfeited to the state highway patrol fund should the bidder fail to deliver according to the bid within thirty days after a notice of an award.

§ 4. CHECKS OF THREE LOWEST BIDDERS RETAINED.) All certified bidders' checks, except those of the three lowest bidders, shall be returned to the bidders promptly upon opening such bids. The checks of the three lowest responsible bidders may be cashed and the money retained until the contract has been awarded and executed properly.

§ 5. AWARD OF CONTRACTS; BOND.) Each and every contract in excess of the sum of one thousand dollars shall be awarded by the state highway patrol to the lowest responsible bidder, but said state highway patrol may reject all bids. If no satisfactory bid or bids shall be received, new bids may be called for. The successful bidder shall be required to furnish a suitable bond in at least the amount of the contract and with such sureties as may be determined by the state highway patrol and as shall be approved by it.

Approved March 7, 1953.

CHAPTER 234

S. B. No. 58

(Legislative Research Committee)

(at the request of the State Highway Patrol)

COMPULSORY TERMINATION OF EMPLOYMENT OF MEMBERS OF HIGHWAY PATROL; RETIREMENT ALLOWANCE

AN ACT

To amend and reenact section 39-03A18 of chapter 238 of the 1951 Session Laws of North Dakota, providing prorated benefits for members of the highway patrol employed on the effective date of this Act who shall have less than twenty years of service upon reaching the mandatory retirement age.

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

§ 1. AMENDMENT.) Section 39-03A18 of chapter 238 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

39-03A18. COMPULSORY TERMINATION OF EMPLOYMENT.) Except as provided in this section, whenever any contributor shall reach the age of sixty-five years, his employment with the patrol shall be terminated forthwith. If such contributor has at least twenty-five years accumulated deductions he shall

be entitled to receive from the fund, without application therefor, the monthly retirement allowance provided for in section 39-03A12. If such contributor has at least twenty years but less than twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly optional retirement allowance provided for in section 39-03A14. If such contributor has less than twenty years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the severance allowance provided for in section 39-03A17, except that a contributor who is a member of the North Dakota Highway Patrol on the effective date of this Act shall have the following options:

1. A contributor reaching the age of sixty-five with less than twenty years' service may, at his option, continue in service, if physically qualified, for a maximum of three additional years; or
2. A contributor who shall have reached compulsory retirement age with less than twenty years service and who has terminated his employment with the patrol shall be eligible for a monthly retirement equal to that portion of the retirement benefits under section 39-03A14 as his total accumulations may bear to what the accumulations would have been had he completed twenty years service at the time of his retirement.

Approved March 10, 1953.

CHAPTER 235

H. B. No. 790

(Einarson, Anderson-Ransom)

RESCINDING OF MOTOR VEHICLE REGISTRATION, WHEN

AN ACT

To amend and reenact section 39-0409 of the North Dakota Revised Code of 1943, relating to rescinding of motor vehicle registration.

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

§ 1. AMENDMENT.) Section 39-0409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0409. REGISTRATION RESCINDED; WHEN.) The department shall rescind and cancel the registration of a motor vehicle:

1. When the department shall determine that a vehicle is unsafe or unfit to be operated or is not equipped as required by law;
2. Whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person not entitled thereto; or
3. Whenever a check is returned to the department because of insufficient funds, the license shall be cancelled thirty days after notification by regular mail. The renewal of the registration after that date shall be followed by the provisions given under section 39-0418 of the North Dakota Revised Code of 1943, as amended.

Approved March 14, 1953.

CHAPTER 236

S. B. No. 80

(Nordhougen, Pyle, Streibel, Duffy and Klefstad)

EXEMPTION OF CERTAIN MOTOR VEHICLE REGISTRATION FEES; AUTHORIZATION OF RECIPROCAL AGREEMENTS

AN ACT

To amend and reenact chapter 242 of the North Dakota Session Laws of 1951, relating to the exemption from registration fees of certain motor vehicles and the authorization of reciprocal agreements; and to repeal section 39-0445 of the North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. AMENDMENT.) Chapter 242 of the North Dakota session laws of 1951 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 or by Indian mission

schools shall be required to register and display number plates on such vehicles. Such vehicles shall be exempt from payment of all registration fees provided for in this chapter, except that one dollar shall be charged for each set of number plates issued, to cover the cost of such plates and registration. 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, may be operated under reciprocity upon the highways of North Dakota subject to the following conditions and limitations:

1. Upon the condition that the exemptions provided herein, as hereinafter limited, shall be operative as to such trucks only to the extent that under the laws of such other state, district or province, like exemptions and privileges are granted to such trucks registered or licensed under the laws of North Dakota;
2. Upon condition that any such truck so operated in this state at all times shall carry and display all license number plates or like insignia required by the laws of the state, district or province in which it is registered or licensed;
3. Upon condition that if the state, district or province in which such truck is registered or licensed requires the owner of foreign trucks to register or license therein a number of trucks proportionate to the total mileage operated by all trucks of such owner within the state, district or province, as compared to the total mileage operated by all such trucks in other states, district or province, then such state, district or province shall agree and permit the owner of trucks registered and licensed in such state to register or license in the state of North Dakota a number of trucks proportionate to the number of miles such trucks travel within the state of North Dakota as compared to the total of all miles travelled by such trucks;
4. Upon condition that if the state, district or province in which such truck is registered or licensed requires such a truck registered or licensed in North Dakota to pay a mileage tax or other measured tax for operation upon the highways of such state, district or province, that such state, district or province permit North Dakota to levy an identical mileage or measured tax against such a truck registered in such other state, district or province, for operations upon the highways of North Dakota, and the motor vehicle registrar is hereby required to assess and collect such a tax upon such truck;

5. Upon condition that anyone who desires to take advantage of the reciprocity provisions of this chapter shall make application to the state highway commissioner giving the point of entry and routes of travel within the state and receive a permit which shall be furnished without cost.

§ 2.) The state highway commission may enter into reciprocal agreements not contrary to any provisions of this chapter with duly authorized officials of other states.

§ 3. Any vehicle found operating in violation of the provisions of this Act shall be required to be licensed in the same manner as are resident motor vehicles.

§ 4. REPEAL.) Section 39-0445 of the North Dakota Revised Code of 1943 is hereby repealed.

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

Approved March 11, 1953.

CHAPTER 237

H. B. No. 793
(Anderson of Ransom, Einarson)

MOTOR VEHICLE TRUCK-MILE TAX

AN ACT

To amend and reenact sections 39-0426, 39-0427, 39-0428, 39-0429, 39-04312 and 39-04341, of the North Dakota Revised Code of 1943, as amended, relating to an Act fixing the truck-mile tax, its determination, the time and method of reporting and transfer of certain powers from the public service commission to the motor vehicle registrar, and to repeal section 39-04341 of the 1949 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.) Section 39-0426 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0426. BLANK FORMS FOR REPORTS; FURNISHED BY MOTOR VEHICLE REGISTRAR.) The motor vehicle registrar shall furnish

to the owner of the vehicles mentioned in section 39-0425 appropriate blank forms on which to report the miles which said motor vehicle travels upon the highways of this state.

§ 2. AMENDMENT.) Section 39-0427 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0427. DAILY MILEAGE REPORTS FILED WITH THE MOTOR VEHICLE REGISTRAR; VEHICLES EQUIPPED WITH MILE MEASURING DEVICE.) The owner of vehicles mentioned in section 39-0425 shall file with the motor vehicle registrar daily reports of mileage traveled in North Dakota and shall keep such other records and furnish such information as the motor vehicle registrar may require. The registrar may require that any motor vehicle coming under the provisions of this Act be equipped with an approved mechanical device to register the miles traveled by such vehicle, and such vehicle, including the mileage recording device as well as all books and records of said owner pertaining to such vehicle, shall be subject to inspection at any time by the registrar.

§ 3. AMENDMENT.) Section 39-0428 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0428. TRUCK-MILE TAX; WHEN PAID; FILING MONTHLY REPORT.) The owner of every vehicle subject to the truck-mile tax, on or before the fifteenth day of each month, shall pay to the motor vehicle registrar, truck-mile tax due and payable for the preceding month. At the time of the payment of such tax, such owner shall file with the motor vehicle registrar under oath, upon a form prescribed by the registrar a report showing the truck miles operated during the preceding month and such other information as may be required. If the vehicle was not operated over the highways of this state during such month the report should so state.

§ 4. AMENDMENT.) Section 39-0429 of the 1949 Supplement to the North Dakota Revised code of 1943 is hereby amended and reenacted to read as follows:

39-0429. TRUCK-MILE TAX; HOW DETERMINED.) The truck-mile tax shall be determined as follows:

Vehicle or combination of vehicles having an unloaded weight of not to exceed 3 tons.....1c per mile

Vehicle or combination of vehicles having an unloaded weight of 3 tons and not exceeding 4 tons.....2c per mile

Vehicle or combination of vehicles having an unloaded weight of 4 tons and not exceeding 5 tons.....3c per mile

Vehicle or combination of vehicles having an unloaded weight of 5 tons and not exceeding 6 tons.....4c per mile

Vehicle or combination of vehicles having an unloaded weight of 6 tons and not exceeding 7 tons.....5c per mile

Vehicle or combination of vehicles having an unloaded weight of 7 tons and not exceeding 8 tons.....6c per mile

Vehicle or combination of vehicles having an unloaded weight of 8 tons and over.....7c per mile

§ 5. AMENDMENT.) Section 39-04312 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-04312. FEES COLLECTED TO BE CREDITED TO HIGHWAY CONSTRUCTION FUND.) All fees collected by the motor vehicle registrar under this Act (truck-mile tax) shall be remitted quarterly to the state treasurer and shall be credited to the highway construction fund.

§ 6. It shall be the duty of the state highway patrol to enforce the provisions of this Act.

§ 7. REPEAL.) Section 39-04341 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 12, 1953.

CHAPTER 238

H. B. No. 727

(Holand and Anderson of Ransom)

FEES FOR MOTOR VEHICLES FIRST REGISTERED IN STATE

AN ACT

To amend and reenact section 39-0440 of the North Dakota Revised Code of 1943, relating to fees for motor vehicles first registered in state.

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

§ 1. AMENDMENT.) Section 39-0440 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0440. FEES FOR MOTOR VEHICLES FIRST REGISTERED IN STATE.) When a motor vehicle first becomes subject to taxation

during the calendar year for which the tax is paid, the tax shall be for the remainder of the year prorated on a monthly basis, one-twelfth of the annual tax for each calendar month or fraction thereof. Penny adjustments shall be carried to the next quarter dollar.

Approved March 10, 1953.

CHAPTER 239

S. B. No. 79
(Nordhougen)

MOTOR VEHICLE REGISTRATION OF SCHOOL BUSESSES

AN ACT

To amend and reenact section 3 of chapter 244 of the North Dakota Session Laws of 1951, relating to registration of school busses.

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

§ 1. AMENDMENT.) Section 3 of chapter 244 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

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

Approved February 28, 1953.

CHAPTER 240

S. B. No. 110
(Sandness)

RELICENSING MOTOR VEHICLES WITHOUT PENALTIES BY
VETERANS ON ACTIVE DUTY OUTSIDE THE STATE

AN ACT

To allow veterans serving on active duty outside the state to relicense a motor vehicle without penalties.

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

§ 1.) Any resident of the state of North Dakota, serving in the armed forces of the United States outside the state of North Dakota for a period of time greater than one year, may relicense any motor vehicle owned by him without paying any fee for intervening years when such vehicle was not licensed nor any penalties therefor, providing such veteran shows by suitable affidavit that such vehicle was not in use during any year in which it was not licensed. Such vehicle shall be licensed for the license fee applicable to the quarter of the year in which application for license is made.

Approved February 28, 1953.

CHAPTER 241

H. B. No. 728
(Holand)

REGISTERED DEALERS USED CAR LOTS AT PLACES
REMOVED FROM THE DEALER'S PLACE OF BUSINESS

AN ACT

Allowing the establishment of used car lots at places removed from the dealer's place of business.

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

§ 1.) A registered dealer as described in section 39-0459 may establish open used car lots as may be necessary in the conduct of his business in an area not further removed than three miles from the city limits of the town in which he operates a licensed place of business.

Approved March 10, 1953.

CHAPTER 242

H. B. No. 724

(Anderson—Ransom, Einarson, Roen)

FEES FOR MOTOR VEHICLES ENGAGED IN THE
TRANSPORTATION OF PROPERTY; DISTINCTIVE
TAGS; EXEMPTIONS; PENALTIES

AN ACT

To levy a fee on motor vehicles engaged in the transportation of property; providing for issuance of distinctive tags; making exemptions from the provisions of this Act; providing penalties for the violation thereof; providing for an effective date; and repealing chapter 246 of the North Dakota Session Laws of 1951.

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

§ 1. DEFINITIONS.) As used in this act:

1. "Motor vehicles" shall mean and include any motor driven truck, or combination of truck and trailer or semi-trailer, used upon any public highway of the state for the purpose of transporting property;
2. "Person" shall include an individual, firm, copartnership, corporation, company, association, and any leasee, trustee, or receiver; and
3. "Public highway" shall mean every public street, alley, road, highway, or thoroughfare of any kind used by the public.

§ 2.) There is hereby levied on motor vehicles engaged in the transportation of property, an annual fee which shall be in addition to the license fee paid under the requirements of chapter 244 of the North Dakota session laws of 1951 for the licensing of such motor vehicles. Such fees shall be due on January first of each year and shall be payable to the motor vehicle registrar and deposited with the state treasurer to the credit of the highway construction fund. The provisions of this Act shall be administered by the motor vehicle registrar, who shall have authority to promulgate rules and regulations to carry out the provisions of the Act.

§ 3.) The motor vehicle registrar shall issue distinctive tags which shall be numbered consecutively. The tags issued pursuant to this Act shall be transferable:

1. By the owner to motor vehicles which replace motor vehicles of the same registered gross weight;
2. By an owner to another owner subject to the provisions of this Act.

§ 4. FEES.) Such annual fees shall be based on the gross weight for which the motor vehicle is licensed by the motor vehicle registrar and shall be in the following amounts:

1. This Act shall not apply to motor vehicles having a registered gross weight of ten thousand pounds or less;
2. Motor vehicles licensed for a gross weight of twelve thousand pounds or more, and including twenty-four thousand pounds, three dollars for each two thousand pounds of registered gross weight;
3. Motor vehicles licensed for a gross weight in excess of twenty-four thousand pounds, five dollars for each two thousand pounds of registered gross weight;
4. Construction and building moving contractors, at the time of making application for a license shall specify the period of time during which such vehicles shall be in use. The motor vehicle registrar in such event shall collect only the pro rata fees as provided for in this act for such period, but it shall be the duty of the owner upon the expiration of such period to return the license plate to the motor vehicle registrar. No registration of such a vehicle, however, shall be for a period less than six months.

The minimum fee shall be ten dollars for each motor vehicle. The fee for motor vehicles placed in service after June 30th and before September 30th shall be one-half of the annual fee, after September 30th, one-fourth of the annual fee.

§ 5.) Fees shall be delinquent on February 1st after which a penalty of ten cents per day shall apply, provided the total penalty shall not exceed ten dollars.

§ 6. EXCEPTIONS.) This Act shall not apply:

1. To the transportation of property between farms and the usual local trading places or between farms locally;
2. To a farmer transporting his own livestock or commodities from his farm with his own truck to any village, market, or place where such livestock and commodities are to be sold, stored, or otherwise disposed of, as well as the transporting of livestock or commodities from any

village, city or place where same is purchased or acquired to his farm where such supplies are to be used, consumed, or processed;

3. To a farmer in the normal exchange of work with his neighbors; or
4. To the transportation of property within the city or village limits or not to exceed two miles from the corporate or recognized limit of such city or village.

§ 7.) It shall be the duty of the state highway patrol to enforce the provisions of this Act.

§ 8. PENALTY FOR VIOLATION OF PROVISIONS OF ACT.) Any person violating any of the provisions of this Act, for which another penalty is not specifically provided, is guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 9. EFFECTIVE DATE.) This Act shall take effect with the registration period for 1954.

§ 10. REPEAL.) Chapter 246 of the North Dakota session laws of 1951 is hereby repealed.

Approved March 11, 1953.

CHAPTER 243

S. B. No. 57

(Legislative Research Committee)
(at the request of the State Highway Patrol)

MOTOR VEHICLE REGISTRATION CARD TO BE CARRIED IN DRIVER'S COMPARTMENT; INSPECTION; PENALTY

AN ACT

To amend and reenact section 39-0512 of the North Dakota Revised Code of 1943, relating to registration card to be carried in the driver's compartment of vehicle; providing penalty for violation.

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

§ 1. AMENDMENT.) Section 39-0512 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0512. REGISTRATION CARD TO BE CARRIED IN DRIVER'S COMPARTMENT; INSPECTION OF CARD; PENALTY.) The registration

card issued for a vehicle shall be carried in the driver's compartment of the vehicle at all times while the vehicle is being operated upon a highway in this state. Such card shall be subject to inspection by any peace officer. Any person violating any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 4, 1953.

CHAPTER 244

S. B. No. 185
(Committee on Transportation)

DUPLICATE MOTOR VEHICLE NUMBER PLATES; TRAILER PLATES; CERTIFICATE OR REGISTRATION CARD; FEE

AN ACT

To amend and reenact section 39-0513 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to duplicate number plate, trailer plates, certificate or registration card for motor vehicle.

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

§ 1. AMENDMENT.) Section 39-0513 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0513. DUPLICATE NUMBER PLATE, TRAILER 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 one dollar for each duplicate certificate of title or registration card so issued. The fee for a trailer identification plate when requested by the owner thereof shall be one dollar.

Approved March 11, 1953.

CHAPTER 245

S. B. No. 171
(Torno, Morgan, Troxel)

MOTOR VEHICLE OPERATORS LICENSES FOR PERSONS
UNDER SIXTEEN YEARS OF AGE

AN ACT

To amend and reenact section 39-0605 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to issuance of motor vehicle operator's licenses to persons under sixteen years of age.

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

§ 1. AMENDMENT.) Section 39-0605 of the 1949 Supplement to 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 examining officer. No such recommendation shall be made unless such child, accompanied by his parent or guardian, shall appear in person and satisfy such officer that:

1. Such child is at least fourteen years of age;
2. Such child is 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 or regulation of the state or federal authorities relating to employment of minors.

Approved March 2, 1953.

CHAPTER 246

H. B. No. 538

(Legislative Research Committee)

(at the request of the State Highway Patrol)

RELEASE FROM ARREST FOR RECKLESS DRIVING AND DRIVING IN EXCESS OF SPEED DISCRETIONARY

AN ACT

To amend and reenact section 39-0709 of the North Dakota Revised Code of 1943, relating to the offenses of reckless driving and driving in excess of speed limitations; providing for the discretion of the arresting officer in releasing the person arrested upon promise to appear.

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

§ 1. AMENDMENT.) Section 39-0709 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0709. OFFENSES UNDER WHICH PERSON ARRESTED MAY NOT BE ENTITLED TO RELEASE UPON PROMISE TO APPEAR.) The provisions of section 39-0707 shall not apply to a person if:

1. The arresting officer shall have good reason to believe such person guilty of any felony or when such person is arrested and charged with either of the following offenses:
 - a. Causing or contributing to an accident resulting in injury or death of any person;

- b. Driving while under the influence of intoxicating liquor or a narcotic drug.
2. The arresting officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear when arrested and charged with either of the following offenses:
 - a. Reckless driving;
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.

The arresting officer forthwith shall take any person not released upon his promise to appear before the nearest or most accessible magistrate.

Approved March 9, 1953.

CHAPTER 247

S. B. No. 146

(Livingston, Haag, Schoeder and Page)

PERSONS UNDER INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS NOT TO OPERATE MOTOR VEHICLE; PENALTY

AN ACT

To amend and reenact section 39-0801 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to regulations governing operators, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 39-0801 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted as follows:

39-0801. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE VEHICLE; DECLARING WHAT CONSTITUTES BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR; PENALTY.) No person shall drive any vehicle upon a highway in this state if:

1. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug;

2. He is under the influence of intoxicating liquor;
 - a. If in any criminal prosecution for a violation of this subsection, there was at the time alleged as shown by chemical analysis of his breath, urine or other bodily substance, said breath analysis to be made by use of the "Drunkometer" or other similar device approved by the American medical association and national safety council;
 - (1) Five hundredths percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;
 - (2) Fifteen hundredths percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
 - (3) In excess of five hundredths percent but less than fifteen hundredths percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
 - b. The provisions of subdivision a of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor. No defendant shall be required to submit to any chemical test without his consent.

Any person violating any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Upon a second or subsequent offense, such person shall be punished by imprisonment for not less than ninety days nor more than one year, and in the discretion of the court, a fine or not more than one thousand dollars.

§ 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 February 28, 1953.

CHAPTER 248

H. B. No. 703

(Lindberg of Stutsman and Sticka)

EXCEPTIONS TO RIGHT-OF-WAY RULES UPON APPROACH OF
AMBULANCES, POLICE OR FIRE DEPARTMENT VEHICLES

AN ACT

To amend and reenact section 39-1018 and section 39-1019 of the North Dakota Revised Code of 1943, relating to exceptions to right-of-way rules and the duty of drivers of vehicles upon approach of ambulances on emergency call, police or fire department vehicles.

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

§ 1. AMENDMENT.) Section 39-1018 and section 39-1019 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

39-1018. EXCEPTIONS TO RIGHT-OF-WAY RULES.) The following shall be exceptions to the right-of-way rules:

1. The driver of a vehicle entering a public highway from a private road or drive shall yield the right-of-way to all vehicles approaching on such public highway; and
2. The driver of a vehicle upon a highway shall yield the right-of-way to ambulances answering an emergency call and to police and fire department vehicles when the latter are operated upon official business and the drivers thereof sound an audible signal by bell, siren, or exhaust whistle. This provision shall not operate to relieve the driver of an ambulance, police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

39-1019. DUTY OF DRIVERS OF VEHICLES UPON APPROACH OF AMBULANCE, POLICE OR FIRE DEPARTMENT VEHICLE.) Upon the approach of any ambulance, police or fire department vehicle giving an audible signal by bell, siren, or exhaust whistle, the driver of every other vehicle immediately shall drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways and shall stop and remain in such position unless other-

wise directed by a police or traffic officer until the ambulance, police or fire department vehicle shall have passed.

Approved February 27, 1953.

CHAPTER 249

H. B. No. 684

(Wolf of McIntosh, A. J. Christopher, Anderson of)
(Eddy-Foster and Haugland)

REQUIRING SAFETY GLASS IN MOTOR VEHICLES; PENALTY

AN ACT

Requiring safety glass in motor vehicles and providing a penalty.

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

§ 1.) On and after July 1, 1953, it shall be unlawful to register in this state any new motor vehicle manufactured on or after July 1, 1953, unless it is equipped with safety glass or safety glazing material in all doors, windows, and windshields.

§ 2.) For the purpose of this act, the term "safety glass or safety glazing material" shall mean glass or glazing materials so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons when struck or broken.

§ 3.) On and after July 1, 1953, no glass or glazing material shall be installed in any motor vehicle registered in this state unless it complies with the above definition.

§ 4.) Violation of section 1 of this Act shall result in suspension of the license to operate the vehicle until the defect is corrected. Any person found guilty of violating section 3 of this act shall be subject to a fine of twenty-five dollars (\$25.00) or sentenced to ten (10) days in jail or both.

§ 5.) All acts or parts of acts inconsistent with this act are hereby repealed.

Approved February 27, 1953.

CHAPTER 250

S. B. No. 188
(Torno)
(By request)

WIDTH, HEIGHT AND LENGTH LIMITATIONS OF
MOTOR VEHICLES

AN ACT

To amend and reenact subsection 1 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, relating to width, height, and length limitations of motor vehicles.

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

§ 1. AMENDMENT.) Subsection 1 of section 39-1204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to construction and building moving contractor's equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, which moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset; nor shall such limitation apply to farmers or ranchers or employees under their supervision when moving hay in the stack for his or their own use or in cooperation with other owners, providing that equipment used for this purpose shall be operated along the extreme right edge of the road or highway, and shall be operated only between the hours of sunrise and sunset and in accordance with reasonable rules and regulations prescribed by the state highway commissioner.

Approved March 5, 1953.

CHAPTER 251

S. B. No. 112
(Streibel)

PENALTIES FOR VIOLATING WIDTH, HEIGHT, LENGTH
AND LOAD LIMITATIONS

AN ACT

To amend and reenact section 39-1208 of the North Dakota Revised Code of 1943, relating to penalties for violation of width, height, length and load limitations.

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

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

39-1208. PENALTY FOR VIOLATING WIDTH, HEIGHT, LENGTH AND LOAD LIMITATIONS.) Any person violating the provisions of sections 39-1204, 39-1206 or 39-1207 is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or both such fine and imprisonment, except that a five percent length tolerance, applicable only to the length limitations of subsection 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, shall be lawful. Any person who shall drive or move, or any owner who shall cause or knowingly permit to be driven or moved, on any highway, any vehicle or vehicles of a weight exceeding the limitations stated in section 39-1205 of the North Dakota Revised Code of 1943 as amended, shall be guilty of a misdemeanor and shall be punished as follows:

1. A fine of one cent per pound for each pound of excess load over one thousand pounds when the excess is two thousand pounds or less;
2. A fine of two cents per pound for each pound of excess load when the excess exceeds two thousand pounds and is three thousand pounds or less;
3. A fine of four cents per pound for each pound of excess load when the excess exceeds three thousand pounds and is four thousand pounds or less;
4. A fine of six cents per pound for each pound of excess

load when the excess exceeds four thousand pounds and is five thousand pounds or less; and

5. A fine of ten cents per pound for each pound of excess load when the excess exceeds five thousand pounds or more.

Such fines as are imposed under this section for violation of section 39-1205 are mandatory and shall not be suspended.

Approved March 12, 1953.

CHAPTER 252

S. B. No. 201

(Nordhougen)

(at the request of Attorney General)

APPEARANCE BY ATTORNEY GENERAL; SPECIAL COUNSEL;
WHEN JUDGMENT FINAL; UNSATISFIED JUDGMENT FUND

AN ACT

Relating to the unsatisfied judgment fund, empowering attorney general to appoint special counsel, specifying time when judgment becomes final, amending and reenacting section 39-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 259 of the North Dakota Laws of 1951; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 37-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 259 of the session laws of 1951 is hereby amended and reenacted to read as follows:

39-1704. ATTORNEY GENERAL MAY APPEAR.) The provisions of section 39-1703 shall not apply in the case of any judgment entered by default, unless the state highway commissioner and the attorney general have been given at least thirty days notice prior to the entry of such judgment, to which notice shall be attached a copy of the summons and complaint. Upon receipt of such notice, the attorney general may enter an appearance, file a defense, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on be-

half and in the name of the defendant, conduct his defense, and all acts done in accordance therewith shall be deemed to be acts of the defendant. The attorney general may appear and be heard on any application for payment from the fund and may show cause, if any there be, why the order applied for should not be made.

§ 2. EMPOWERING ATTORNEY GENERAL TO APPOINT SPECIAL COUNSEL.) The attorney general at his discretion may appoint special counsel to defend the fund. The trial judge of the district court shall fix the amount of such special attorney's fees and expenditures, and certify such amount, to the attorney general who, after approving, shall certify same to the administrator of the unsatisfied judgment fund. In the event the state's attorney of the county in which the case is to be tried is not disqualified to appear and defend the unsatisfied judgment fund, then the attorney general shall appoint such state's attorney to defend the fund, and in such case, the state's attorney shall receive no fees for his services rendered therein.

§ 3. TIME WHEN JUDGMENT BECOMES FINAL.) Unless the defendant causing the damage or the unsatisfied judgment fund serves notice of intention to either move for a new trial, or appeal to the supreme court within thirty days after notice of entry of judgment is served, such judgment shall thereby be deemed final, under the provisions of the unsatisfied judgment fund Act. Provided, however, that this section does not limit the time to move for a new trial, nor to appeal to the supreme court.

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

Approved March 16, 1953.