

MOTOR VEHICLES

CHAPTER 248

S. B. No. 49

(Erickstad)

UNCLAIMED CAR SALES

AN ACT

To authorize the sale of unclaimed automobiles in the possession of law enforcement agencies in political subdivisions.

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

§ 1. Unclaimed Motor Vehicles; When Sale Permitted.)

Whenever any motor vehicle coming into the possession of any law enforcement agency of any county or municipal corporation of this state shall remain unclaimed and the towing, storage or other charges thereon are unpaid for a period of three months after coming into the possession of such law enforcement agency, and the owner cannot be found upon diligent inquiry or, being found and notified of the possession of such motor vehicle, shall refuse or neglect to receive the same and pay the legal charges thereon, such law enforcement agency shall sell such motor vehicle at public auction after giving the registered owner fifteen days notice of such sale by ordinary mail addressed to the registered owner at his post office address, if known, of the time and place of sale and by advertising such notice of sale in one issue of a newspaper published in the county where such sale is to be made or in the official newspaper of said county at least fifteen days prior to such sale. Out of the proceeds of said sale the towing, storage, and other charges and costs of sale shall be paid, and the balance of proceeds if any, shall be paid to the registered owner of such motor vehicle, or if such registered owner can not be found the balance shall be paid to the general fund of the county or municipal corporation, as the case may be. If the address of the registered owner is unknown, the advertising of the notice of such sale shall be sufficient notice to the registered owner.

§ 2. Bill Of Sale Shall Be Evidence Of Title In Certain Cases.) If the sale price of said motor vehicle shall amount to one hundred dollars or more, the law enforcement agency shall give the purchaser a bill of sale for said motor vehicle

and said bill of sale shall be evidence of valid ownership for the issuance of a certificate of title by the registrar of motor vehicles.

Approved March 9, 1957.

CHAPTER 249

H. B. No. 739

(Burvee, Anderson of Richland, Herman and Petterson)

PATROLMAN'S RETIREMENT PAYMENTS TO SURVIVORS

AN ACT

Relating to the North Dakota highway patrolmen's retirement system, and to amend and reenact section 39-03A21 of the 1953 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 39-03A21 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-03A21. Payments In Case Of Death From Natural Causes.) Whenever a contributor, who is receiving or is entitled to receive a retirement, optional retirement, or disability retirement allowance, dies leaving a surviving wife or children such allowance shall be paid first, to the surviving wife so long as there are surviving children under eighteen years of age, or, if there is no surviving wife, to the surviving children under eighteen years of age, second, to the unmarried surviving wife after she reaches the age of sixty years, providing she has not remarried since the death of the contributor. In the case of a patrolman who has at least ten years' creditable service, and who dies from natural causes while a member of the patrol, his widow, or surviving children under eighteen shall receive an allowance consisting of the accumulated contributions of the member and the state of North Dakota to be paid in the order and under the conditions set forth before in this section. The widow has the option of leaving such allowance with the fund until such time as she reaches sixty years of age at which time, if she has not remarried since the death of the member, she shall be entitled to a monthly income commencing at age sixty computed by multiplying one-third of the member's average monthly earnings for the last ten years times a fraction equal to the total number of years served

by the member divided by twenty, said income to continue for life or until the widow remarries. This option must be elected in writing within one year after the death of the member, or be considered waived. If the option is elected, it shall be considered waived upon remarriage, or may be waived in writing by the widow at any time prior to her reaching the age of sixty. If the option is waived, the widow shall receive the lump sum to which she was entitled at the time of the member's death. Whenever a contributor, who is entitled to receive either a severance allowance or a refund, dies leaving a surviving wife or children such severance allowance or refund shall be paid to the surviving wife, or, if there is no surviving wife, to the surviving children.

§ 2. Application.) Eligibility for benefits under the provisions of section 39-03A21 as amended in this Act shall be effective for the widows or children of all members making contributions to the North Dakota highway patrolmen's retirement fund subsequent to July 1, 1955.

Approved March 6, 1957.

CHAPTER 250

S. B. No. 162

(Kee, Wadeson, George and Livingston)

APPLICATION FOR MOTOR VEHICLE REGISTRATION

AN ACT

To amend and reenact section 39-0405 of the North Dakota Revised Code of 1943, as amended by the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the applications for registration of motor vehicles.

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 as amended by the 1953 Supplement to the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

39-0405. Application For The Registration Of A Motor Vehicle; Contents.) Application for the registration of a motor vehicle shall be made as is provided in this section:

1. Application shall be made by the owner thereof upon appropriate forms approved or furnished by the regis-

trar, 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 facts shall be stated in the application. The owner of every foreign motor vehicle which has been registered outside of this state shall exhibit to the registrar 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; and
4. If the vehicle for which registration is sought is a new vehicle, no registration shall be issued unless a certificate of origin executed by the manufacturer of such vehicle is attached to the application for registration or is attached to the application for the certificate of title for such vehicle. If the new motor vehicle for which registration is sought is of foreign manufacture, the certificate of origin shall be furnished by the importer of such vehicle.

Approved March 13, 1957.

CHAPTER 251

S. B. No. 77

(Baeverstad, Tuff, Longmire, and Garaas)

MOTOR VEHICLE LICENSE PLATES

AN ACT

To amend and reenact chapter 241 of the 1955 Session Laws, and sections 39-0412, 39-0413, and 39-0414 of the North Dakota Revised Code of 1943, relating to license plates for motor vehicles.

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

§ 1. **Amendment.)** Chapter 241 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

39-0411. Number Plates Furnished By Department.) The department shall furnish to every motor vehicle owner two number plates for each registered motor vehicle, and one number plate for each registered motorcycle or house trailer.

§ 2. **Amendment.)** Section 39-0412 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0412. Registrar May Design And Issue Number Plates.) The registrar may design and issue plates of distinctly different color every four years for each classification of motor vehicle, and there shall at all times be a marked contrast between the background color of the plates and that of the numerals and letters thereon.

§ 3. **Amendment.)** Section 39-0413 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0413. Display Of Number Plates.) Except as otherwise specifically provided, no person shall operate or drive a motor vehicle on the public highways of this state unless such vehicle shall have a distinctive number assigned to it by the registrar, and two number plates, bearing such number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of such vehicle, each securely fastened, except number plates assigned to a motorcycle or house trailer shall be attached to the rear thereof. As far as is reasonably possible, such plates shall at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or

licensing except for the current year shall be removed from such vehicle. All motor vehicle license plates issued by the registrar, shall continue to be the property of the state of North Dakota for the period for which said plates are valid.

§ 4. **Amendment.)** Section 39-0414 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0414. Contents Of Number Plates; Size Of Letters And Numerals On Plates; Reflectorized; Tabs Or Stickers; Additional Fee.) Number plates shall be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and shall be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all such number plates shall be legible for a minimum distance of one hundred feet to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each standard six inch by twelve inch finished numeral plate shall be treated with a reflectorized background material according to the specifications prescribed by the registrar. The registrar shall furnish such number plates for a four-year period commencing January 1, 1958. In any year during which number plates are not furnished the registrar shall furnish for each annual registration a reflectorized year plate, tab, or sticker to designate the year of registration. This plate, tab, or sticker shall show the calendar year for which issued, and is valid only for that year. It shall be unlawful for any person to transfer to another vehicle the number plate, tab, or sticker during the period or calendar year for which issued. For the purpose of procuring number plates which are treated for increased visibility as hereinbefore provided, an additional fee of fifty cents per year for each registration of a vehicle shall be added to the registration fee, which additional fee shall be deposited by the registrar with the state treasurer. The funds so deposited shall be known as the "license plate revolving fund" and disbursements therefrom shall be made by warrants drawn by the registrar on vouchers duly approved by the state auditor.

Approved March 1, 1957.

CHAPTER 252

S. B. No. 54

(Klefstad, Hernett and Kee)

ANTIQUE AUTOMOBILE LICENSE

AN ACT

Providing for a license and a ten dollar license fee for antique cars which license would be good for all the years such car is in existence.

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

§ 1. Antique Automobiles; License And Fee.) Any motor vehicle which is at least forty years old may be permanently licensed by the motor vehicle registrar upon the payment of a registration fee of ten dollars. The motor vehicle registrar shall design and issue a distinctive number plate for this purpose.

Approved March 9, 1957.

CHAPTER 253

H. B. No. 634

(Simenson, Vinje, Frank, Trydahl and Anderson of Cass)

RADIO OPERATOR'S SPECIAL LICENSE PLATE

AN ACT

To amend and reenact section 39-04121 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to special license plates for amateur radio station license holders.

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

§ 1. Amendment.) Section 39-04121 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-04121. Special Plates For Amateur Radio Station License Holders.) Passenger motor vehicle owners who are residents of the state of North Dakota and who hold an un-revoked and unexpired official amateur radio station license issued by the federal communications commission, Washing-

ton, D.C. upon application to the motor vehicle registrar, accompanied by proof of ownership of such amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws, shall be issued special number plates in lieu of the number plates ordinarily issued, upon which shall be inscribed the official amateur radio call letters of such applicant as assigned by the federal communications commission. Such applications must be filed by October first prior to the year of issuance. The motor vehicle registrar shall make such rules and regulations as may be necessary and shall require compliance with all state license laws relating to use and operation of private passenger cars before issuing such plates.

The motor vehicle registrar shall furnish to the sheriff of each county in the state of North Dakota an alphabetically arranged list of the names and special plate letters of each person to whom a plate is issued under the provisions of this Act, and it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.

Approved March 12, 1957.

CHAPTER 254

H. B. No. 830
(Streibel, Doherty, Short)

VEHICLE REGISTRATION; RECIPROCITY

AN ACT

To amend and reenact section 39-0421 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 242 of the 1955 Session Laws, relating to exemptions from registration and reciprocal use of highways.

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

§ 1. Amendment.) Section 39-0421 of the 1953 Supplement to the Revised Code of 1943, as amended by chapter 242 of the 1955 Session Laws 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.) Every motor vehicle not specifically exempt by law, shall be registered in this state before being operated upon any highway in this state, except that:

1. 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;
2. Any motor vehicle, except passenger vehicles, truck, tractor, truck-tractor, semi-trailer, and trailer registered in any state of the United States, the District of Columbia or any foreign province, having a registered gross weight or gross weight of not to exceed 24,000 pounds may be operated under full reciprocity upon the highways of North Dakota only when a reciprocal agreement has been entered into between the state highway commissioner and the duly authorized officer of the state, district, or province in which such vehicle is registered. The commissioner shall not enter into any reciprocal agreement with any state, district or province unless:
 - a. Such agreement assures that vehicles registered under the laws of the state of North Dakota shall have as great or greater privileges and exemptions while operating upon the highways of such state, district or province as is granted to foreign vehicles by the provisions of such agreement or by any provision of North Dakota law;
 - b. Such agreement requires that any vehicle operated under the provisions of such agreement carry and display all license number plates or like insignia required by the laws of the state, district or province in which such vehicle is registered; and
 - c. Such agreement provides that any vehicle found to be operating upon the highways of this state in violation of any of the provisions of such agreement or law of this state, shall be required to be registered and licensed in the same manner as are resident motor vehicles and shall surrender any other benefits which may be granted him by the agreement;
 - d. Vehicles not exempted by this Act which travel in North Dakota shall be required to pay the fees as set

forth in section 39-0424 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended or the fees set forth in section 39-0429 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended, as elected by the owner or operator of the vehicle.

Approved March 7, 1957.

CHAPTER 255

H. B. No. 829
(Streibel, Doherty and Short)

TRUCK REGISTRATION FEES

AN ACT

To amend and reenact section 39-0424 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 244 of the 1955 Session Laws relating to fees for commercial and non-commercial trucks, and to repeal subsection 3 of section 39-04A04 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 244 of the 1955 Session Laws.

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

§ 1. **Amendment.)** Section 39-0424 of the 1953 Supplement to the North Dakota Revised Code of 1943, as amended by chapter 244 of the 1955 Session Laws is hereby amended and reenacted to read as follows:

39-0424. Fees For Commercial And Non - Commercial Trucks.) All commercial and non-commercial trucks, except vehicles for the transportation of passengers, shall pay the following registration fees:

Gross Weights	Years Registered			
	1st, 2nd Years	3rd, 4th Years	5th, 6th Years	7th and Subse- quent Years
0-				
4,000	\$ 15.75	\$ 12.75	\$ 9.50	\$ 4.25
4,001-				
6,000	21.00	17.00	12.75	6.50
6,001-				
8,000	26.25	21.00	15.75	8.50
8,001-				
10,000	31.50	25.25	19.00	10.50

Gross Weights	1st, 2nd Years	3rd, 4th Years	5th, 6th Years	7th and Subsequent Years
10,001-12,000	36.75	29.50	22.75	12.75
12,001-14,000	42.00	33.75	25.25	14.75
14,001-16,000	47.25	38.00	28.50	17.00
16,001-18,000	52.50	42.00	31.50	19.00
18,001-20,000	57.75	46.25	34.75	21.00
20,001-22,000	63.00	50.50	38.00	23.25
22,001-24,000	68.25	54.75	41.00	25.25

Years Registered

Gross Weight	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th and Subsequent Years
24,001-26,000	\$145.00	\$116.00	\$ 87.00
26,001-28,000	170.00	136.00	102.00
28,001-30,000	200.00	160.00	120.00
30,001-32,000	230.00	184.00	138.00
32,001-34,000	260.00	208.00	156.00
34,001-36,000	290.00	232.00	174.00
36,001-38,000	320.00	256.00	192.00
38,001-40,000	350.00	280.00	210.00
40,001-42,000	380.00	304.00	228.00
42,001-44,000	410.00	328.00	246.00
44,001-46,000	440.00	352.00	264.00
46,001-48,000	470.00	376.00	282.00
48,001-50,000	500.00	400.00	300.00
50,001-52,000	530.00	424.00	318.00

Gross Weights	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th and Subsequent Years
52,001-54,000	560.00	448.00	336.00
54,001-56,000	590.00	472.00	354.00
56,001-58,000	620.00	496.00	372.00
58,001-60,000	650.00	520.00	390.00
60,001-62,000	680.00	544.00	408.00
62,001-64,000	710.00	568.00	426.00
64,001-66,000	740.00	592.00	444.00
66,001-68,000	770.00	616.00	462.00
68,001-70,000	800.00	640.00	480.00

School buses used in the transportation of school children, other than those buses 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. Vehicles registered under this section shall not be required to pay the fees as indicated under section 39-0429.

§ 2. **Repeal.**) Subsection 3 of section 39-04A04 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 244 of the 1955 Session Laws is hereby repealed.

Approved March 7, 1957.

CHAPTER 256

S. B. No. 144
(Freed and Klefstad)

TRUCK-MILE TAX COLLECTION

AN ACT

To amend and reenact sections 39-0426, 39-0427, 39-0428 and 39-04312 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the truck-mile tax and providing that such tax shall be collected by the highway commissioner instead of the motor vehicle registrar.

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

§ 1. **Amendment.)** Section 39-0426 of the 1953 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 Highway Commissioner.) The highway commissioner 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 1953 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 Highway Commissioner; Vehicles Equipped With Mile Measuring Device.) The owner of vehicles mentioned in section 39-0425 shall file with the highway commissioner daily reports of mileage traveled in North Dakota and shall keep such other records and furnish such information as the highway commissioner may require. The highway commissioner may require that any motor vehicle coming under the provisions of this section 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 highway commissioner or his duly authorized agent.

§ 3. **Amendment.)** Section 39-0428 of the 1953 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 highway commissioner, 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 highway commissioner under oath, upon a form prescribed by the highway commissioner 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 39-04312 of the 1953 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 highway commissioner under the truck-mile tax shall be remitted quarterly to the state treasurer and shall be credited to the highway construction fund.

It shall be the duty of the state highway patrol to enforce the provisions of the truck-mile tax.

Approved March 12, 1957.

CHAPTER 257

H. B. No. 831
(Streibel, Doherty and Short)

TRUCK-MILE TAX

AN ACT

To amend and reenact section 39-0429 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to truck-mile tax.

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

§ 1. Amendment.) Section 39-0429 of the 1953 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
3 axles1½¢ per mile

Vehicle or combination of vehicles having
4 axles 2¢ per mile

Vehicle or combination of vehicles having
5 axles or more 3¢ per mile

Approved March 7, 1957.

CHAPTER 258

S. B. No. 213
(Wartner)

VEHICLE DEALERS LICENSE

AN ACT

To amend and reenact section 39-0459 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to motor vehicle dealers licenses.

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

§ 1. **Amendment.)** Section 39-0459 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0459. Motor Vehicle Dealers Licenses: Fees; Additional Number Plates.) It shall be unlawful for any person, partnership or corporation to engage in the business of buying, selling or exchanging of motor vehicles, or to advertise or hold himself out to the public as engaging in the buying, selling or exchanging of motor vehicles, or to engage in the buying of motor vehicles for resale, unless he possesses a current dealer's license for which he shall pay a license fee of twenty-five dollars (\$25.00) per year, and with which shall be issued one set of dealer's plates. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of twenty-five dollars (\$25.00) per set. Such number plates may be used on any car owned by the dealer. In addition to the dealer's license plate the motor vehicle registrar may issue to any dealer holding a regular dealer's license plate and in transit license plate for a fee of two dollars per plate. Such plate may be used on vehicles in lieu of dealer's plates while a motor vehicle is in transit from its place of manufacture or any other place to the dealer. Additional special plates may be issued by the registrar to any dealer, for a fee of two dollars, which special plate

shall be used only on a vehicle while:

- a. It is being demonstrated to a prospective buyer and within a radius of three miles of the licensee's place of business, or
- b. It is being transferred from the licensee's place of business or used car lot to another place of business or used car lot for display or sale.

A motorcycle dealer shall pay a license fee of five dollars (\$5.00) for each set of motorcycle number plates issued to him. Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone until and unless the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has an established place of business, and has facilities and equipment for the maintenance, servicing and repair of motor vehicles. An established place of business when used in this section shall mean a permanent enclosed building or structure either owned in fee or leased, at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of evading this section. Said place of business shall not mean residences, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements hereinbefore set forth.

Approved March 16, 1957.

CHAPTER 259

H. B. No. 549

(Einarson, McInnes, Renfrow, Tollefson,
(Power, Halcrow, Christopher)

REGISTRATION FEE DISTRIBUTION

AN ACT

To amend and reenact subsection 3 of section 39-0467 of the North Dakota Revised Code of 1943 as amended by chapter 244 of the North Dakota Session Laws of 1955, relating to the crediting of certificate of title to motor vehicles to counties and to the distribution of registration fees collected from the licensing of such motor vehicles.

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

§ 1. **Amendment.**) Subsection 3 of section 39-0467 of the North Dakota Revised Code of 1943 as amended by chapter 244 of the North Dakota Session Laws of 1955, is hereby amended and reenacted to read as follows:

3. Fifty percent to the counties of this state in proportion to the number of certificates of title credited to each county. Each county shall be credited with the certificates of title of all motor vehicles registered by residents of such county.

In applying for such certificate of title the buyer shall state his postoffice address and the county and city or township of his residence and the dealer shall make specific inquiry relative thereto before filling such information in the application blank.

Approved March 16, 1957.

CHAPTER 260

H. B. No. 661

(Einarson, Christopher and Halcrow)

TRAILER IDENTIFICATION PLATE; FEE

AN ACT

To amend and reenact section 39-0513 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the trailer identification plate fee.

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

§ 1. **Amendment.**) Section 39-0513 of the 1953 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 Of 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 for all privately owned trailers, and three dollars for all trailers which are rented or leased on a commercial basis by any person engaging in the business of renting or leasing trailers.

Approved March 16, 1957.

CHAPTER 261

S. B. No. 163
(Holand and Dewing)

DRIVER RECORD ON LICENSE

AN ACT

To amend and reenact sections 14 and 27 of chapter 251 of the North Dakota Session Laws of 1955 relating to the licensing of drivers and the fee therefor and to eliminate triple license card, to require the notation of traffic warnings and traffic convictions upon the license and to provide for carrying over notations of convictions from one license card to another.

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

§ 1. **Amendment.)** Section 14 of chapter 251 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

§ 14. **Licenses Issued To Operators; General.)** The commissioner shall, upon payment of a three dollar fee by applicants eighteen years of age and over and a one dollar and fifty cent fee by applicants under the age of eighteen, issue to every applicant qualifying therefor an operator's license as applied for in the form prescribed by the commissioner, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. For purposes of verification, an officer may require the licensee to write his signature in the presence of such officer.

§ 2. **Amendment.)** Section 27 of chapter 251 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

§ 27. **Courts To Forward License To Commissioner Upon Certain Convictions.)** Whenever any person is convicted of any offense for which this Act makes mandatory the revocation of the operator's license of such person by the commissioner, the court in which such conviction is had shall require the surrender to it of any operator's license then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the commissioner.

§ 3. License To Carry Warnings And Convictions.) Every license, permit or duplicate certificate issued by the commissioner under authorization of chapter 251 of the North Dakota Session Laws of 1955 or acts amendatory thereto shall carry notations or indications as to the number of traffic warnings and convictions of moving traffic offenses such licensee has had during that two-year license period and in addition thereto it shall carry notations or indications of the number of convictions of moving traffic offenses such licensee has had during the last preceding two-year license period.

Each judge, magistrate, or juvenile commissioner in whose court a conviction of a moving traffic offense is had, whether imposition of sentence is deferred or not, in addition to any other requirements of law, shall note upon the license of the person convicted that such conviction has occurred. Each sheriff or highway patrolman issuing a traffic warning shall note upon the license of the offender, that such warning has been issued and notice of such warning shall be given in writing to the commissioner. The commissioner shall establish a uniform system for noting or indicating warnings and convictions upon the license.

Approved March 12, 1957.

CHAPTER 262

H. B. No. 545

(Legislative Research Committee)

VEHICLE ACCIDENT NOTICE AND REPORT

AN ACT

To amend and reenact sections 6, 7, 8, and 12 of chapter 253 of the 1955 Session Laws, relating to vehicle accidents, notices, and reports, and penalty therefor.

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

§ 1. Amendment.) Section 6 of chapter 253 of the 1955 Session Laws is hereby amended and reenacted to read as follows:

§ 6. Immediate Notice And Written Report Of Accident; Penalty.) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars or more shall

immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the state highway patrol. Within five days after such accident, the driver shall also forward a written report of the accident to the highway commissioner.

The highway commissioner may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in this Act until such report has been filed, and the commissioner may extend such suspension not to exceed thirty days.

§ 2. Amendment.) Section 7 of chapter 253 of the 1955 Session Laws is hereby amended and reenacted to read as follows:

§ 7. Officer To Report.) Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall forward promptly a written report of such accident to the highway commissioner.

§ 3. Amendment.) Section 8 of chapter 253 of the 1955 Session Laws is hereby amended and reenacted to read as follows:

§ 8. When Driver Unable To Report.)

1. An accident notice is not required under this Act from any person who is physically incapable of making the report during the period of such incapacity.
2. Wherever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in section 6 of this Act and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.
3. Whenever the driver is physically incapable of making a written report of an accident as required in section 6 and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five days after learning of the accident make such report not made by the driver.

§ 4. Amendment.) Section 12 of chapter 253 of the 1955 Session Laws is hereby amended and reenacted to read as follows:

§ 12. Public Inspection Of Reports Relating To Accidents.)

1. All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.
2. All accident reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted.
3. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the commissioner shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner in compliance with law. Provided, that a law enforcement officer investigating an accident may testify regarding the accident in the same manner as any other witness, despite his having made a report thereon, and the principal report itself being inadmissible in evidence.

Approved March 16, 1957.

CHAPTER 263

S. B. No. 75

(Brooks, Holand, Longmire)

NEGLIGENT HOMICIDE

AN ACT

Relating to negligent homicide, defining the crime, and providing for a penalty and revocation of driving privilege.

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

§ 1. Negligent Homicide; Defined.) When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

§ 2. Negligent Homicide; Penalty.) Every person convicted of negligent homicide shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years, or in the county jail for not more than one year, or by a fine of not more than one thousand dollars or by both such fine and imprisonment.

§ 3. Negligent Homicide; License Revocation.) Whenever any person is convicted of negligent homicide, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted, and the court shall thereupon forward the same, together with a record of such conviction, to the state license issuing authority for mandatory revocation for the period directed in the order of the court.

Approved March 9, 1957.

CHAPTER 264

S. B. No. 267
(Larson, Kee)

SPEED LIMITS

AN ACT

To amend and reenact subsection 8 of section 39-0902 of the North Dakota Revised Code of 1943, as amended by chapter 254 of the 1955 Session Laws, relating to speed limits on highways and excepting pickup trucks from truck speed limitations.

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

§ 1. **Amendment.)** Subsection 8 of section 39-0902, as amended by chapter 254 of the 1955 Session Laws, is hereby amended and reenacted to read as follows:

8. The highway commissioner may designate specific areas of state highways where the maximum speed limits of sixty-five 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, except that this limitation shall not apply to any half-ton pickup truck up to and including a gross weight of eight thousand pounds, but such vehicle shall be regarded, for purposes of this subsection, as passenger vehicles and subject to the same limitations. 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-five miles per hour under all other conditions.

Approved March 13, 1957.

CHAPTER 265

H. B. No. 675

(Fristad)

NO VEHICLES ON FLOOD DIKES

AN ACT

Prohibiting the unauthorized operation of a motor vehicle, tractor, or other vehicle, upon a dike or flood protective works, and prescribing penalties for violation of this Act.

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

§ 1. Operation Of Motor Vehicle, Tractor Or Other Vehicle Prohibited On Flood Protective Works; Exception.) Unless authorized by the authority in charge thereof, no person shall operate a motor vehicle, tractor or other vehicle upon or across any flood protective works, including but not limited to, any dike or flood protective works constructed by a state or federal agency, or by any municipality or local subdivision of the state.

§ 2. Penalty.) Any person, firm or corporation violating the provisions of this Act shall be liable to any person, firm, corporation, municipality or political subdivision of this state suffering injury, for the full amount sustained thereby; and in addition thereto shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars or imprisoned in the county jail not more than thirty days, or by both such fine and imprisonment.

Approved March 7, 1957.

CHAPTER 266

S. B. No. 248
(Gilbertson by request)

HOUSE MOVER OR WELL DRILLER LICENSE

AN ACT

To amend and reenact chapter 246 of the 1955 Session Laws relating to the exemption of trucks and truck-tractors used only for moving buildings and well drilling equipment from the payment of registration, gross ton, or truck mile taxes or fees and to provide for an annual house mover's and well driller's motor vehicle license and to provide a penalty.

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

§ 1. **Amendment.)** Chapter 246 of the 1955 Session Laws is hereby amended and reenacted to read as follows:

§ 1.) Upon satisfactory proof that:

1. The owner or operator of such vehicle is the holder of a valid building mover's permit issued by the public service commission, or is a North Dakota resident well driller; and
2. A truck, truck tractor and trailer is to be used only for moving buildings, building moving equipment and other bulky objects, or vehicle on which is mounted well drilling equipment; and
3. Upon payment of a fee of twenty-five dollars for each two axle truck and a fee of fifty dollars for each single axle truck-tractor unit and a fee of seventy-five dollars for each tandem axle truck-tractor unit, the motor vehicle registrar may issue an annual motor vehicle license to any such vehicle, which license shall be in lieu of all other registration, gross ton, or truck mile taxes or fees for such registration year.

§ 2. Any vehicle which has been issued this special motor vehicle license may be registered under the regular motor vehicle registration law, by payment of the difference between the amount paid for the special motor vehicle license and the regular registration fee for such vehicle and surrendering of such house mover's motor vehicle license.

§ 3. Any vehicle which has been issued this special motor vehicle license and is found being operated upon the highways of this state without being equipped with special house moving

or well drilling equipment, shall forfeit the fee paid and in addition, shall be required to register under the regular motor vehicle registration law of this state. None of the above limitations shall be construed as restricting the operation of the special licensed vehicle when such operation would not require a greater fee than that paid for this operation.

Approved March 13, 1957.

CHAPTER 267

S. B. No. 167

(Meidinger and Longmire)

HEAD LAMPS ON MOTOR VEHICLES

AN ACT

To amend and reenact section 39-1102 of the North Dakota Revised Code of 1943, relating to head lamps on motor vehicles.

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

§ 1. Amendment.) Section 39-1102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1102. Head Lamps On Motor Vehicles.) Every motor vehicle other than a motorcycle, road roller, road machinery, or farm tractor shall be equipped with at least two head lamps with at least one head lamp on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in sections 39-1103, 39-1004, and 39-1005, and shall be of a type which has been approved.

Approved March 13, 1957.

CHAPTER 268

S. B. No. 157
(Livingston and Saumur)

WIDTH, LENGTH, AND HEIGHT OF MOBILE HOMES

AN ACT

To amend and reenact section 5 of chapter 250 of the North Dakota Session Laws of 1955 relating to width, length, and height of mobile homes operated or towed upon the highways, and providing for oversize permits.

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

§ 1. Amendment.) Section 5 of chapter 250 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

§ 5. Width, Length And Height Of Mobile Homes, Operated In The State Of North Dakota; Oversize Permits.) It shall be unlawful for any person to operate or tow a mobile home upon the highways of the state of North Dakota, the length of which mobile home shall be over fifty feet, or which shall have a body width of over eight feet, and a height of over twelve and one-half feet, except as otherwise provided in this section. Mobile homes moved in the interest of merchandising or relocation of a man's home shall be considered "good cause".

1. For good cause shown, therefore, the state highway department may, at their discretion, issue single trip permits for movement of a mobile home exceeding statutory size to persons or firms having adequate towing vehicle and insurance coverage. The state highway department shall have authority to establish reasonable permit conditions and regulations in the interest of safety, public interest and adverse weather conditions. The state highway department shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.
2. For good cause shown, therefore, the state highway department may, in their ordinary course of business, issue annual permits for movement of mobile homes exceeding statutory size, to mobile home manufacturers, dealers or transport companies; providing, however, that the towing vehicle shall consist of a $\frac{3}{4}$ ton or larger truck with dual wheels, and that no annual permits shall be issued for movement of mobile homes exceed-

ing overall dimensions of 120" wide, plus safety equipment, if required.

3. No oversize permits shall be valid during period of sunset to sunrise or during period of 12:00 noon Saturday to sunrise Monday or on holidays of New Years, Memorial, Independence, Labor, Thanksgiving and Christmas days.
4. For each permit issued there shall be charged a fee of five dollars, except that on annual permits each movement shall be charged a transit fee of five dollars. Further, no mobile home having a width in excess of eight feet shall be moved at a speed in excess of 35 miles per hour. No mobile home shall be moved unless such movement is covered by liability insurance in the amount of at least \$100,000 for bodily injury liability for one person, at least \$300,000 for bodily injury liability for one accident, and at least \$20,000 property damage liability.

Provided, however, that the limitations as to width, length and height of mobile homes herein provided for, shall not apply to mobile homes which are now in use in North Dakota which exceed these limitations and which have heretofore been licensed by the state of North Dakota.

Approved March 12, 1957.

CHAPTER 269

H. B. No. 643
(Poling and Paulson)

EXCESS VEHICLE SIZE PERMISSION

AN ACT

To authorize the governor, by order of general application, to permit excess limitations on sizes and weights for certain vehicles in emergencies.

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

§ 1.) The governor of this state is hereby authorized, by order of general application, to permit and prescribe definite excess limitations as to size and weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public.

§ 2.) The operation of such vehicles, in accordance with the governor's order, shall not constitute a violation of the statutes relative to limitations on sizes and weights.

Approved March 14, 1957.

CHAPTER 270

H. B. No. 810

(Sortland, Simenson and Harding)

VEHICLE HEIGHT LIMITATIONS

AN ACT

To amend and reenact subsection 2 of section 39-1204 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to height limitations on vehicles.

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

§ 1. **Amendment.)** That subsection 2 of section 39-1204 of the 1953 Supplement to the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

2. A height of thirteen feet, six inches, whether loaded or unloaded, except that such height limitation shall not affect any present structure such as bridges and underpasses that are not thirteen feet six inches in height.

Approved March 7, 1957.

CHAPTER 271

H. B. No. 789

(Leet and Streibel)

VEHICLE WEIGHT LIMITATIONS

AN ACT

To amend and reenact section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943 concerning weight limitations for vehicles and declaring an emergency.

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

§ 1. **Amendment.)** Section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1205. Weight Limitations For Vehicles.) (1) No single axle shall carry a gross weight in excess of eighteen thousand pounds nor a wheel load to exceed nine thousand pounds. No wheel shall carry a gross weight in excess of five hundred and fifty pounds for each inch of tire width. Axles spaced forty inches apart or less shall be considered as one axle and on axles spaced over forty inches and under eight feet apart, the axle load shall not exceed fifteen thousand pounds per axle. The wheel load, in any instance, shall not exceed one-half the allowable axle load. Spacing between axles shall be measured from axle center to axle center. (2) Subject to the limitations imposed by the above subsection (1) on tires, wheel and axle loads, no vehicle or combination of vehicles shall be operated whose gross weight, including the load, exceeds that determined by adding the distance in feet between the first axle and the last axle of such vehicle or combination of vehicles, to the factor forty (40) and multiplying this sum by seven hundred fifty (750), but the gross weight limitation as determined by adding the axle spacing to the factor forty (40) and multiplying this sum by seven hundred fifty (750) shall not apply to such equipment as the state highway commissioner or his agents may approve for exemption. The decision on exemption shall be determined on the basis of improved equipment design, which, in his opinion, will better distribute the load and reduce roadway damage; provided further that where the distance between the first axle and the last axle of any group of axles of such vehicle or combination of vehicles is eighteen (18) feet or less the gross weight on the group of axles under consideration shall be determined by adding the distance in feet between the first axle and the last axle of the group under consideration to the factor of forty (40) and multiplying this sum by six hundred fifty (650).

§ 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, 1957.

CHAPTER 272

H. B. No. 679

(Power, Tollefson and Renfrow)

SUSPENSION OF MOTOR VEHICLE LICENSES

AN ACT

To amend and reenact sections 39-1605 and 39-1606 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to suspensions of licenses.

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

§ 1. Amendment.) Section 39-1605 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-1605. 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 of each vehicle in any manner involved in such accident, and if such driver is a non-resident the privilege of operating a motor vehicle within this state unless such driver shall deposit security as provided in sections 9 and 10 of this Act (39-1609, 39-1610) 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; provided notice of such suspension shall be sent by the commissioner to such driver not less than ten days prior to the effective date of such suspension and shall state the amount required as security. The commissioner may, however, stay, on application, the suspension of license provided for herein, for an additional period of not to exceed four months when an immediate suspension would result in hardship, or the facts presented to the commissioner indicate a doubt as to the liability of the party. This section shall not apply under the conditions stated in section 6 of this Act (39-1606) or to any of the following:

1. To such driver 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 required for proof of financial responsibility under this chapter;
3. To such driver if the liability of such driver for damages resulting from such accident is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond or certificate of self-insurance under section 39-1632.

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.

§ 2. Amendment.) Section 39-1606 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-1606. Requirements As To Security And Suspension Do Not Apply, When.) The requirements as to security and suspension in section 5 of this Act (39-1605) shall not apply:

1. To the driver 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;

2. To the driver 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 as required by the laws of this state and that any such violation contributed to the accident;
3. If prior to the date that the commissioner would otherwise suspend license or nonresident's operating privilege under section 5 of this Act (39-1605), 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.

Approved March 13, 1957.

CHAPTER 273

S. B. No. 71
(Holand)

FINANCIAL RESPONSIBILITY AFTER LICENSE SUSPENSION

AN ACT

To amend and reenact subsection 2 of section 39-1616 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the revocation of driver's licenses.

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

§ 1. **Amendment.)** Subsection 2 of section 39-1616 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. If a person 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 while his privilege to drive is under suspension, revocation, or cancellation, no license shall be thereafter issued to such person until he shall give and thereafter maintain proof of financial responsibility.

Approved March 2, 1957.

CHAPTER 274

S. B. No. 293

(Foss)

UNSATISFIED JUDGMENT FUND; CONTINUING APPROPRIATION

AN ACT

To amend and reenact section 39-1702 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the establishment of an unsatisfied judgment fund and to make a continuing appropriation therefor.

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

§ 1. Amendment.) Section 39-1702 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1702. Unsatisfied Judgment Fund Established: Continuing Appropriation: When Collection Of Fee Suspended.) The fees paid pursuant to section 39-1701 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". The treasurer, when authorized by the state industrial commission, may invest moneys of the fund in bonds of the United States, bonds of the state of North Dakota or any other state, or certificates of indebtedness of the state of North Dakota, or in bonds or certificates of indebtedness of any political subdivision of the state of North Dakota, which constitute general obligations of the issuing taxing authority or may deposit moneys of the fund upon time certificates of deposit in the Bank of North Dakota. This section shall constitute a continuing appropriation out of the fund of all moneys required for administration purposes but not to exceed thirty-five thousand dollars annually for administration of the unsatisfied judgment fund and for the making of authorized investments. All

income from such investments and all sums received as repayments are hereby appropriated and shall be credited to the fund. If on the 1st day of June in any year the amount of such fund is \$100,000.00 or more, 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 June of the previous year, the amount of such fund is less than \$100,000.00 when such fee shall be reimposed and collected as provided herein.

Approved March 11, 1957.