

MOTOR VEHICLES

CHAPTER 261

H. B. No. 630

(Collette, Backes, Coles, Erickson (Ward), Hoffner, Stallman,
(Whittlesey)

CLASS A EMERGENCY VEHICLES

AN ACT

To amend and reenact subdivision a of subsection 1 of section 39-01-01 and subsection 3 of section 39-21-18 of the North Dakota Century Code, relating to emergency vehicles to be used by the adjutant general.

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

§ 1. Amendment.) Subdivision a of subsection 1 of section 39-01-01 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

a. Class A authorized emergency vehicles shall mean:

- (1) Vehicles of a governmental owned fire department;
- (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title pertaining to all motor vehicles or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents;
- (3) Ambulances;
- (4) Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota game and fish department;
- (5) Vehicles owned or leased by the United States Government used for law enforcement purposes;
- (6) Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency;

§ 2. **Amendment.)** Subsection 3 of section 39-21-18 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein and a vehicle designated for the use of the adjutant general or the assistant adjutant general may but need not be equipped with a siren, exhaust whistle or bell specified herein.

Approved March 5, 1965.

CHAPTER 262

S. B. No. 94
(Longmire)

CLASS C EMERGENCY VEHICLES

AN ACT

To create and enact subdivision c of subsection 1 of section 39-01-01 and section 39-10-03.2 of the North Dakota Century Code, relating to the definition of authorized emergency vehicles.

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

§ 1.) Subdivision c of subsection 1 of section 39-01-01 of the 1963 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

- c. Class C vehicles used by civil defense directors while used in the performance of emergency duties;

§ 2.) Section 39-10-03.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-03.2. Class C Authorized Emergency Vehicles.) All Class B specifications shall apply except that a rotating blue flashing light shall be displayed.

Approved March 1, 1965.

CHAPTER 263

H. B. No. 780

(Tweten, Larsen (Grand Forks), Unruh)

TIRES TO BE USED ON HIGHWAYS

AN ACT

To amend and reenact subsection 30 of section 39-01-01 and section 39-21-40 of the North Dakota Century Code, relating to the use of certain tires on highways.

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

§ 1. Amendment.) Subsection 30 of section 39-01-01 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

30. "Metal tires" shall include all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material except that this provision shall not apply to pneumatic tires;

§ 2. Amendment.) Section 39-21-40 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-40. Restrictions as to Tire Equipment.) 1. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

2. No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

3. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions or pneumatic tires which have metal studs which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire, upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

Approved March 8, 1965.

CHAPTER 264

H. B. No. 647
(Linderman, Frank)

DEFINITION OF MOTORCYCLE

AN ACT

To define motorcycle.

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

§ 1.) "Motorcycle" shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding implements of husbandry.

Approved March 5, 1965.

CHAPTER 265

H. B. No. 889
(Sanstead)

MARKINGS ON STATE-OWNED VEHICLES

AN ACT

To amend and reenact section 39-01-02 of the 1963 Supplement to the North Dakota Century Code, requiring state-owned motor vehicles having name printed on side of vehicles, providing a penalty for failure and providing an exception for the governor's vehicle.

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

§ 1. **Amendment.)** Section 39-01-02 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-02. State-Owned Motor Vehicles to Have Name Painted on Side of Vehicles—Penalty for Failure.) All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry, except the official vehicle for use by the governor, shall have painted on each front door the following words: NORTH DAKOTA, in letters four inches in height. Two and one-half inches directly below such words shall be printed in letters one and one-half inches in height the name of the

department, institution, or industry of the state owning or operating such motor vehicle. The width of the lettering required by this section shall be proportionate to the required height and the color of such lettering shall be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce the provisions of this section. The state auditor, in the course of spot checking or verifying the inventory of any department, institution, or industry, shall include in his report to the governor and the legislative assembly any instance of noncompliance with this section that shall come to his attention. The above requirements shall not apply to cars owned and operated by the state highway patrol or cars used principally in institutional, juvenile, parole and placement service; or to any truck owned by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved March 5, 1965.

CHAPTER 266

S. B. No. 363

(Delayed Bills Committee)

MOTOR VEHICLE LIABILITY INSURANCE OF GOVERNMENTAL BODIES

AN ACT

To amend and reenact sections 39-01-08, 39-07-05 and 40-43-07 of the North Dakota Century Code, relating to waiver of defense of immunity when motor vehicle liability insurance is carried.

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

§ 1. Amendment.) Section 39-01-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-08. State and Political Subdivisions Authorized to Carry Insurance on Vehicles.) The state of North Dakota or any department, agency, bureau or the employees thereof as well as any county, city, village, or other political subdivision

including townships, school and park districts, drainage and irrigation districts using or operating motor vehicles, are hereby authorized to carry insurance for their own protection and the protection of any employee from claims for loss or damage arising out of or by reason of the use or operation of such motor vehicle, whether such vehicle at the time the loss or damage in question occurred was being operated in a governmental undertaking or otherwise; provided, however, that any insurance carrier furnishing such insurance shall not be permitted to raise a defense of governmental immunity or immunity of any employee, from liability for any damage or loss occasioned by any such vehicle or the operator thereof, which waiver shall be contained in the policy; provided, further, that if a premium savings will result therefrom, such policies of insurance may be taken out for more than one year, but in no event beyond a period of five years.

§ 2. Amendment.) Section 39-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-05. Applicability of Provisions of Chapters.) The provisions of chapters 39-08 through 39-13 applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by this state or any county, district, or other political subdivision of this state subject to such specific exceptions as are set forth in such chapters. The provisions of such chapters shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work, provided, however, the provisions of this section shall not be raised as a defense from negligence by the state or any insurance carrier in any action for damage or loss occasioned by any vehicle or the operator thereof which is insured under the provisions of sections 39-01-08 or 40-43-07 of the North Dakota Century Code.

§ 3. Amendment.) Section 40-43-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-43-07. Political Subdivisions Authorized to Carry Liability Insurance — Defense of Governmental Immunity Not Available to Insurers.) Any political subdivision of the state may insure against claims of loss, damage, or injury against such political subdivision or any department, agency, or function, or officer, agent, or employee, of such subdivision. This section shall not deprive any political subdivision of the state of its right to claim governmental immunity or immunity of

any employee but such immunity shall not be available to the insurance carrier furnishing such insurance and all policies providing for such insurance shall contain a waiver of such defense.

Approved March 17, 1965.

CHAPTER 267

H. B. No. 658

(Tweten, Shablow, Krenz, Opedahl, Dahlen, Larsen (Grand Forks))

APPOINTMENT OF HIGHWAY PATROLMEN

AN ACT

To amend and reenact subsection 5 of section 39-03-03 of the North Dakota Century Code, relating to highway patrolmen, their appointments, removal and duties.

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

§ 1. Amendment.) Subsection 5 of section 39-03-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Each patrolman appointed shall be deemed a temporary appointee for a period of twelve months, during which period he shall be placed under probationary training and service. At the end of such training period, such temporary appointee shall be automatically dismissed unless he receives a permanent appointment which shall be approved by the superintendent. During such training period, such temporary appointee shall be subject to dismissal at the will of the superintendent.

Approved March 2, 1965.

CHAPTER 268

S. B. No. 216
(Jurgensen, Sorlie)

POWERS OF HIGHWAY PATROL

AN ACT

To amend and reenact section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

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

§ 1. **Amendment.)** Section 39-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03-09. Powers of Highway Patrol.) The superintendent and each member of the highway patrol, shall have the power:

1. Of a peace officer for the purpose of enforcing the provisions of this title relating to operators' licenses, the provisions of title 24 relating to highways, and of any other law regulating the operation of vehicles or the use of the highways, and in addition the highway patrol shall enforce all laws relating to the use or presence of alcoholic beverages in motor vehicles;
2. To make arrests upon view and without warrant for any violation committed in his presence of any of the provisions of this title relating to operators' licenses, or of title 24 relating to highways or to other laws regulating the operation of vehicles or the use of the highways;
3. To direct traffic in conformance with law, or, in case of fire or emergency and to expedite traffic, or, to insure safety by directing traffic as conditions may require notwithstanding the provisions of law;
4. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this title relating to operators' licenses or of any other law regulating the operation of vehicles, to require the driver of such vehicle to stop and exhibit his operators' license and the registration card issued for the vehicle, and to submit to an inspection of such vehicle, the registration plates and registration card thereon, or to submit to an inspection and test of the equipment of such vehicle;

5. For the purpose of locating stolen vehicles and to investigate the title and registration thereof, to inspect any vehicle of a type required to be registered under the provisions of this title, in any public garage or repair shop, or in any place where such vehicles are held for sale or wrecking;
6. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways;
7. To investigate traffic accidents and secure testimony of witnesses or of persons involved;
8. To investigate reported thefts of motor vehicles, trailers, semi-trailers;
9. To take applications for operators' licenses without making a charge therefor; and
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.
11. Of a peace officer for the purpose of enforcing the provisions of this code at all state charitable and penal institutions and on the state capitol grounds.

Approved March 1, 1965.

CHAPTER 269

S. B. No. 141

(Holand, Reichert, Forkner, Becker)

HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

AN ACT

To create and enact subsection 8 of section 39-03A-01 and 39-03A-21.1 of the North Dakota Century Code, to amend and reenact subsection 7 of section 39-03A-01, sections 39-03A-09, 39-03A-10, 39-03A-15, 39-03A-17 and 39-03A-21 of the North Dakota Century Code, and to repeal sections 39-03A-19 and 39-03A-20 of the North Dakota Century Code, relating to the highway patrolmen's retirement system.

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

§ 1. Amendment.) Subsection 7 of section 39-03A-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. "Average monthly salary," the amount which will be produced by dividing the total compensation, but not including compensation in excess of four hundred dollars in any month, before deductions, received by the contributor during the last ten years of his service, by the total number of active service served by him, during such ten year period, or, if the contributor has not served a month of active service, then the amount of the contributor's beginning salary, not exceeding four hundred dollars. Retirement, disability, widow's benefit, children's benefit, severance payments, and death payments shall henceforth be computed in accordance with this subsection whether the retirement, disability, or death occurred prior to or subsequent to its passage, except that retirement, disability, children's benefit, widow's benefit, severance payments and death payments of contributors, or the dependents of contributors, not employed by the highway patrol subsequent to January 1, 1964, shall remain as established by the laws in effect prior to such date.

§ 2. **Amendment.)** Subsection 8 of section 39-03A-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

8. "Regular interest," the interest to be credited on the contributor's contributions in the amount of three percent per annum.

§ 3. **Amendment.)** Section 39-03A-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-09. Payments by Contributors.) Every member shall be required to contribute into the fund a sum equal to six percent of his monthly salary, but not to exceed twenty-four dollars, which sum shall be deducted from his salary and credited to his account in the fund. Every member, who has been in the employ of the North Dakota highway patrol prior to July 1, 1949, shall have the option and he may elect to make payments to the date when he first entered the service of the North Dakota highway patrol. Such back payments shall not exceed three and one-half percent of the total salary which would have been earned by the contributor had he continued in the service of the patrol, and may be spread over a period of three years by having the regular payroll deduction of the contributor increased in an amount equal to the total of his back payments divided by thirty-six, which deduction increase shall be credited to such back payments owing and shall be continued until the full amount of such back pay-

ments shall have been completed. Any such deduction increase may be anticipated in part or in full by the contributor at any time and must be anticipated in full before a retirement or optional retirement allowance is granted, and, if not so anticipated and paid in full, then any retirement or optional retirement allowance to which the contributor would otherwise be entitled shall be reduced by an amount and for such time as will assure that the back payments will be returned to the fund in the same manner as if the deduction increase had been continued. Every contributor who shall elect to make such back payments shall receive full credit under this chapter for all contributions made into the fund and for all service credits to which he might thereby be entitled.

§ 4. Amendment.) Section 39-03A-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-10. Contributions by the State of North Dakota.) The state of North Dakota shall annually contribute to the fund a sum equal to one and one-fourth of the amount contributed by patrolmen to this fund from the general fund.

§ 5. Amendment.) Section 39-03A-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-15. Disability Retirement.) Each contributor who shall become totally disabled, regardless of the amount, if any, of his accumulated deductions, may apply to the board for disability retirement allowance provided for in section 39-03A-16.

§ 6. Amendment.) Section 39-03A-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-17. Severance Allowance.) Each contributor who has not reached the age of sixty-five and whose employment with the patrol has been terminated and who is not entitled to any retirement or survivors' benefits, shall be entitled to receive from the fund, upon making application therefor to the board, a severance allowance which shall consist of the amount of the accumulated deductions of the contributor plus regular interest.

§ 7. Amendment.) Section 39-03A-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-21. Payments in Case of Death.) Whenever a contributor, whether or not he is receiving or is entitled to receive

a retirement, optional retirement, or disability retirement allowance, dies leaving a surviving wife or children an allowance shall be paid to the surviving wife until her death or prior remarriage, or, if there is no surviving wife, to the surviving children under eighteen years of age.

Eligibility for benefits under the provisions of this section shall be effective for the widows or children of all members making contributions to the North Dakota highway patrolmen's retirement fund subsequent to July 1, 1955.

Such allowance shall be seventy-five percent of the maximum retirement benefit.

§ 8.) Section 39-03A-21.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-03A-21.1. Children's Benefit—Limitation.) Each dependent child of a contributor shall be entitled to receive a monthly benefit of \$10.00 until such dependent child reaches the age of eighteen years. In the event of the remarriage of the surviving wife, each such dependent child shall then be entitled to receive a monthly benefit of \$25.00 until such dependent child reaches the age of eighteen years. The benefits provided for dependent children in this section shall be payable only if the child or children are not receiving benefits under the preceding section. The aggregate maximum family benefit under this section and the preceding section shall, however, in no event exceed the basic amount upon which the widow's benefit is based. The children's benefit payable under this section or the preceding section shall be paid to the parent or legally appointed guardian as the case may be.

§ 9. **Repeal.)** Sections 39-03A-19 and 39-03A-20 of the North Dakota Century Code are hereby repealed.

Approved March 15, 1965.

CHAPTER 270

S. B. No. 360

(Committee on Delayed Bills)

MOTOR VEHICLE LICENSE PLATES

AN ACT

To amend and reenact section 39-04-11 of the North Dakota Century Code, relating to the display of motor vehicle number plates and tabs, and declaring an emergency.

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

§ 1. Amendment.) Section 39-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

§ 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 15, 1965.

CHAPTER 271

S. B. No. 140
(Hernett, Bopp, Sorlie)
(Budget Board Recommendation)

TRANSFER OF FEES FOR REGISTRATION OF
MOTOR VEHICLES

AN ACT

To amend and reenact section 39-04-12 of the North Dakota Century Code, relating to the additional fee of fifty cents charged for the registration of motor vehicles, and to provide for the transfer of the balance remaining in the license plate revolving fund to the motor vehicle registration fund.

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

§ 1. **Amendment.)** Section 39-04-12 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-12. Contents of Number Plates—Size of Letters and Numerals on Plates—Reflectorized—Tabs or Stickers—Additional Fee.) 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 except trailer plates and dealer's plates shall be treated with a reflectorized 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 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 in the motor vehicle registration fund in the state treasury.

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

§ 2. Transfer of Funds.) All existing balances in the license plate revolving fund on June 30, 1965, shall be transferred by the state treasurer to the motor vehicle registration fund.

Approved March 2, 1965.

CHAPTER 272

H. B. No. 710

(Connolly, Streibel, Reimers)

TRANSFER OF REGISTRATION PLATES

AN ACT

To amend and reenact section 39-04-36 of the 1963 Supplement to the North Dakota Century Code, relating to the transfer of registration plates to certain vehicles.

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

§ 1. Amendment.) Section 39-04-36 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-36. Transfer of Registration and Number Plates Upon Transferring or Assigning Title—Exception.) Whenever the owner of a vehicle registered under the provisions of this chapter transfers or assigns his title thereto or interest therein, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as provided in this chapter. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year except that the owner of a vehicle registered for a gross weight in excess of 56,000 pounds may transfer number plates from one truck to

a new replacement truck by compliance with procedures established by the registrar. A five dollar fee shall accompany each such transfer of registration. Whenever the truck from which plates are transferred remains in a motor vehicle dealer's possession in North Dakota, it must be licensed for a minimum weight of 26,000 pounds for the unexpired portion of the registration period. Such vehicle, however, shall not be operated upon the highways of this state until properly licensed therefor under the provisions of this chapter.

Approved March 3, 1965.

CHAPTER 273

H. B. No. 646
(Linderman, Frank)

ACCIDENT REPORTS

AN ACT

To amend and reenact section 39-08-09 of the North Dakota Century Code, relating to accident reports.

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

§ 1. Amendment.) Section 39-08-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-09. Immediate Notice and Written Report of Accident.) 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 sections 39-08-06 through 39-08-09 until such report has been filed, and the commissioner may extend such suspension not to exceed thirty days.

Approved March 2, 1965.

CHAPTER 274

H. B. No. 648

(Tweten, Unruh, Krenz, Dahlen, Opedahl)

PUBLIC INSPECTION OF ACCIDENT REPORTS

AN ACT

To amend and reenact subsection 3 of section 39-08-14 of the North Dakota Century Code, as amended, relating to public inspection of reports relating to accidents.

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

§ 1. Amendment.) Subsection 3 of section 39-08-14 of the North Dakota Century Code, as amended, is hereby amended and reenacted to read as follows:

3. No written reports or written 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.

Approved February 27, 1965.

CHAPTER 275

H. B. No. 601

(Tweten, Unruh, Dahlen, Krenz)

UNLAWFUL USE OF ALCOHOLIC BEVERAGES

AN ACT

To amend and reenact section 39-08-18 of the North Dakota Century Code, relating to open receptacles containing alcoholic beverages in automobile, truck or bus.

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

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

39-08-18. Unlawful to Have Opened Receptacle Containing Alcoholic Beverages in or on a Motor Vehicle.) No person shall drink or consume alcoholic beverages, as defined in section 5-01-01, in or on a motor vehicle, nor shall any person have in his possession on his person while in or on a motor vehicle, or keep in or on a motor vehicle, any bottle or receptacle, containing alcoholic beverages, as herein defined, which has been opened or the contents of which have been partially consumed. Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine or not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Approved February 24, 1965.

CHAPTER 276

S. B. No. 183
(Lashkowitz, Lips)

USE OF LIGHTS ON EMERGENCY VEHICLES

AN ACT

To amend and reenact section 39-10-03 of the 1963 Supplement to the North Dakota Century Code, relating to emergency vehicles and the permissive use of red or white revolving lights, and limiting the use of such revolving lights, and declaring an emergency.

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

§ 1. Amendment.) Section 39-10-03 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-03. Class A Authorized Emergency Vehicles.)

1. The driver of a class A authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the speed limit so long as he does not endanger life or property;

- d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle shall apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and when giving audible signal by siren or when giving adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred feet;
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred feet.
3. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.
4. Vehicles operated as emergency fire apparatus owned or operated by a duly organized fire department while responding to an emergency may use revolving white or red lights. No other vehicles may use revolving white lights.

§ 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 17, 1965.

CHAPTER 277

S. B. No. 96
(Kadlec, Dahlund, Larson)

TRAFFIC CONTROL DEVICES

AN ACT

To amend and reenact subsection 3 of section 39-10-44 of the 1963 Supplement to the North Dakota Century Code, relating to uniform traffic control devices, and declaring an emergency.

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

§ 1. **Amendment.)** Subsection 3 of section 39-10-44 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Every stop sign shall bear the word "STOP" in letters not less than eight inches in height. Every yield sign shall bear the word "YIELD" in letters not less than six inches in height. Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a light projected on the face of the sign or by efficient reflecting elements in the face of the sign.

§ 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 6, 1965.

CHAPTER 278

H. B. No. 712

(Opedahl, Rustan, Tweten, Miller, Bowman)

SPECIAL PERMITS FOR LARGE VEHICLES

AN ACT

To amend and reenact section 39-12-02 of the 1963 Supplement to the North Dakota Century Code, relating to special permits for vehicles of excessive size and weight, and declaring an emergency.

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

§ 1. **Amendment.)** Section 39-12-02 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-02. Special Permits for Vehicles of Excessive Size and Weight Issued—Contents—Fees.) The commissioner and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified by this chapter, or with a load extending more than three feet beyond the front thereof, upon a highway under the jurisdiction of the body granting the permit. Every such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be opened to inspection by any peace officer. It shall be a violation of the provisions of this chapter for any person to violate any of the terms or conditions of such special permit. All permits for the movement of excessive size and weight on state highways shall be single trips only.

An appropriate charge shall be made for each permit and all funds collected hereunder by the state highway commissioner shall be deposited in the state highway fund and are hereby appropriated for use in the construction and maintenance of highways and operating expenses of the highway department. Official or publicly owned vehicles shall not be required to pay charges for permits.

§ 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 20, 1965.

CHAPTER 279

S. B. No. 93

(Reichert, Kjos, Robinson)

LENGTH OF MOTOR VEHICLES

AN ACT

To amend and reenact subsection 4 and to create subsection 7 of section 39-12-04 of the North Dakota Century Code, relating to the length limitations on highway vehicles.

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

§ 1. Amendment.) Subsection 4 of section 39-12-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. A length when operated in combination, including the load thereon, shall not exceed a length of 60 feet, except as hereinafter provided.

§ 2.) Subsection 7 of section 39-12-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

7. A combination of vehicles consisting of truck-tractor semi-trailer and trailer, including the load thereon, exceeding 60 feet in length but not exceeding 65 feet in length may be operated only on and over those highways in the state designated by the highway commissioner.

Approved March 15, 1965.

CHAPTER 280

S. B. No. 97

(Kadlec, Dahlund, Larson)

MEMBERSHIP OF RECIPROCITY COMMISSION

AN ACT

To amend and reenact section 39-19-01 of the North Dakota Century Code, relating to the membership of the reciprocity commission, and declaring an emergency.

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

§ 1. **Amendment.)** Section 39-19-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-19-01. Reciprocity Commission — Membership — Substitute Membership — Powers and Duties.) The reciprocity commission shall consist of the state highway commissioner, the motor vehicle registrar, the superintendent of the state highway patrol, and a member of the public service commission. Each regular member of the reciprocity commission may appoint his own substitute to act for him in his absence. This commission shall have the power and duty to execute agreements, arrangements, or declarations involving the reciprocal use of the highways of this state by vehicles excepted in part or in full from registration requirements or mile tax payments in lieu thereof.

§ 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 6, 1965.

CHAPTER 281

S. B. No. 212

(Reichert, Longmire, Chesrown)

CHEMICAL ANALYSES TESTS

AN ACT

To amend and reenact subsection 5 of section 39-20-07 of the 1963 Supplement to the North Dakota Century Code, relating to admissibility of results of scientific tests.

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

§ 1. Amendment.) Subsection 5 of section 39-20-07 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-07. Results of Chemical Analyses Admissible.)

5. The results of such chemical analysis shall be received in evidence when it is shown that the test was fairly administered, provided that a test of a person's blood, urine, breath or other bodily substance and the result thereof is further shown to have been performed according to methods and/or with devices approved by the state toxicologist and by an individual possessing a certificate of qualification to administer the test issued by the state toxicologist. The state toxicologist is authorized to approve satisfactory techniques, devices and methods of chemical analysis, and to determine and certify the qualifications of individuals to conduct such analysis.

Approved March 17, 1965.

CHAPTER 282

S. B. No. 217

(Dahlund, Mutch, Becker, Bopp, Tuff, Solberg, Jurgensen, Beck,) (Ecker, Luick, Kisse)

MOTOR VEHICLE LIGHTS

AN ACT

To amend and reenact section 39-21-01 of the 1963 Supplement to the North Dakota Century Code, relating to the display of parking lights on moving vehicles.

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

§ 1. **Amendment.)** Section 39-21-01 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-01. When Lighted Lamps Are Required.) Every vehicle upon a highway within this state at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

Approved March 15, 1965.

CHAPTER 283

S. B. No. 105

(Weber, Larson, Solberg)

SAFETY BELTS REQUIRED

AN ACT

To require safety belts on all 1966 and subsequent models of automobiles bought, sold, leased, traded or transferred by or to North Dakota residents and to prescribe type and manner of installation.

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

§ 1. **Safety Belts.)** It is unlawful for any person to buy, sell, lease, trade or transfer from or to North Dakota residents at retail an automobile, which is manufactured or assembled

in 1966 or subsequent years, unless such vehicle is equipped with safety belts installed for use in the left front and right front seats thereof.

All such safety belts must be of a type and must be installed in a manner approved by the motor vehicle registrar. The registrar shall establish specifications and requirements for approved types of safety belts and attachments thereto, which as far as possible, shall conform to the specifications of the society of automotive engineers.

Approved March 8, 1965.

CHAPTER 284

S. B. No. 321
(Holand)

VEHICLE EQUIPMENT SAFETY COMPACT

AN ACT

To provide for the adoption and implementation of the Vehicle Equipment Safety Compact, declaring legislative intent thereto, providing for the administration and financing thereof, and providing a penalty for conflicts of interest.

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

§ 1.) The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Vehicle Equipment Safety Compact

ARTICLE I

Findings and Purposes

1. The party states find that:
 - a. Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.
 - b. There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations, and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scien-

tifically sound safety features and their incorporation into vehicles.

2. The purposes of this compact are to:
 - a. Promote uniformity in regulation of and standards for equipment.
 - b. Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.
 - c. To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this Article.
3. It is the intent of this compact to emphasize performance requirements and not to determine the specific details of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II

Definitions

As used in this compact:

1. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
2. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
3. "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III

The Commission

1. There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission", hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve, and be subject to removal in accordance

with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

2. The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

3. The commission shall have a seal.

4. The commission shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subsection.

5. Irrespective of the civil service, personnel, or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove, or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

6. The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect to old age and survivor's insurance, provided that the commission takes such steps as may be necessary pursuant to the laws of the United States to participate in such program of insurance as a governmental

agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

7. The commission may borrow, accept, or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

8. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States or any other governmental agency and may receive, utilize, and dispose of the same.

9. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

10. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

11. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

ARTICLE IV

Research and Testing

The commission shall have power to:

1. Collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

2. Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters

when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

3. Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

4. Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations, or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V

Vehicular Equipment

1. In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

2. Following the hearing or hearings provided for in subsection 1 of this Article, and with due regard for standards recommended by appropriate profession and technical associations and agencies, the commission may issue rules, regulations, or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

3. Each party state obligates itself to give due consideration to any and all rules, regulations, and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

4. The commission shall send prompt notice of its action in issuing any rule, regulation, or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation, or code.

5. If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or Act may be made a condition precedent to the taking effect in such party state of any rule, regulation, or code. In such event, the commissioner of such party state shall submit any commission rule, regulation, or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

6. Except as otherwise specifically provided in or pursuant to subsections 5 and 7 of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation, or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation, or code shall have the force and effect of law therein.

7. The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation, or code issued by the commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation, or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subsection.

ARTICLE VI

Finance

1. The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

2. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of

estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

3. The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under section 8 of Article III of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under section 8 of Article III hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

4. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

5. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

6. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VII

Conflict of Interest

1. The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale, or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigation, or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted

pursuant to this Article shall require the immediate vacating of membering employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

2. Nothing contained in this Article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII

Advisory and Technical Committees

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX

Entry Into Force and Withdrawal

1. This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

2. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof

to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all several matters.

§ 2.) The legislature finds that:

1. The public safety necessitates the continuous development, modernization, and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

2. The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

3. The motor vehicle registrar when acting upon recommendations of the Vehicle Equipment Safety Commission, and pursuant to the Vehicle Equipment Safety Compact, will provide a just, equitable, and orderly means of promoting the public safety in the manner and within the scope contemplated by this Act.

§ 3.) Pursuant to section 5 of Article V of the Vehicle Equipment Safety Compact, it is the intention of this state and it is hereby provided that no rule, regulation, or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take final effect until approved by Act of the legislative assembly. Any rule, regulation, or code adopted by the Vehicle Equipment Safety Commission may be temporarily adopted by the motor vehicle registrar until such time as it may be disapproved by the legislative assembly as herein provided. A rule, regulation, or code temporarily adopted by the motor vehicle registrar shall be submitted to the legislative assembly for final approval at the next legislative assembly or as soon as possible after the temporary adoption. Any rule, regulation, or code temporarily adopted but not approved, or not acted upon by the legislative assembly, shall become void at the time of disapproval or the termination of the legislative assembly at which no action was taken.

§ 4.) The commissioner of this state on the Vehicle Equipment Safety Commission shall be the motor vehicle registrar who shall serve during his continuance as motor vehicle registrar. The commissioner may designate an alternate from

among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibilities of such alternate shall be as determined by the commissioner designating such alternate.

§ 5.) The merit system council may make an agreement with the Vehicle Equipment Safety Commission for the coverage of said commission's employees pursuant to section 6 of Article III of the compact. Any such agreement, as nearly as may be shall provide for arrangements similar to those available to the employees of this state and shall be subject to amendment or termination in accordance with its terms.

§ 6.) Within appropriations available therefor, the departments, agencies, and officers of the government of this state may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by section 8 of Article III of the compact. The departments, agencies, and officers of the government of this state are authorized generally to cooperate with said commission.

§ 7.) Filing of documents as required by section 10 of Article III of the compact shall be with the secretary of state. Any and all notices required by commission bylaws to be given pursuant to section 10 of Article III of the compact shall be given to the commissioner of this state, or his alternate, if any.

§ 8.) Pursuant to section 1 of Article VI of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the state budget board.

§ 9.) Pursuant to section 4 of Article VI of the compact, the state auditor is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

§ 10.) Any person found guilty of a conflict of interest in connection with the administration of this Act, or rule or regulation promulgated hereunder, shall, upon conviction, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than one year, or by both such fine and imprisonment, and in addition shall forfeit his status as a public official or employee.

Approved March 17, 1965.