

# PUBLIC UTILITIES

## CHAPTER 365

S. B. No. 259  
(Holand, Chesrown)

### FILING OF INSTRUMENTS BY TRANSMITTING UTILITIES

#### AN ACT

Relating to the filing by certain transmitting utilities of certain instruments required to be filed under the provisions of the Uniform Commercial Code.

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

**§ 1. Definitions.)** When used in this Act the term "transmitting utility" means persons, corporations or other legal entities, and lessees, trustees and receivers, now or hereafter operating, maintaining or controlling in this state equipment or facilities for the production, generation, transmission or distribution of electric, telegraph or telephone services, or the transmission or distribution of crude oil, gas, petroleum products, steam or water by pipe line.

**§ 2. Financing Statements of a Transmitting Utility and Duration Thereof.)** 1. Notwithstanding the provisions of sections 41-09-23, 41-09-40, 41-09-41 and 49-09-42, of the North Dakota Century Code, all filings required under the Uniform Commercial Code in order to perfect a security interest against the personal property or fixtures of a debtor transmitting utility shall be made and maintained only in the office of the secretary of state of North Dakota.

2. When the financing statement covers goods of a transmitting utility as herein defined which are or are to become fixtures, no description of the real estate to which such fixtures are or may become attached is required.

3. Filing of a financing statement against the property of a transmitting utility is effective until five years after the maturity date contained therein in the case of personal property and until fifteen years after the maturity date in the case of fixtures annexed to real property, or if no maturity date is contained therein, until released or terminated.

**§ 3. Continued Effectiveness of Certain Laws.)** Unless displaced by the specific provisions of this Act, the Uniform Com-

mercial Code and other applicable laws remain in full force and effect and supplement the provisions of this Act.

Approved March 13, 1967.

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## CHAPTER 366

S. B. No. 267

(Melland, Stroup, Robinson, Larson(17) )

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### FARMERS HAULING OWN GOODS

#### AN ACT

To amend and reenact subsection 3 of section 49-18-02 of the North Dakota Century Code, relating to exemptions to farmers and associations of farmers hauling their own goods and providing for a clarification of those exempted.

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

**§ 1. Amendment.)** Subsection 3 of section 49-18-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. To the transportation of property, except that compensated for in money, between the farms and the usual local trading places of the farmer for whom the transportation is performed, or between farms locally.

Approved March 3, 1967.

## CHAPTER 367

S. B. No. 268

(Melland, Stroup, Robinson, Larson(17) )

## REGULATION OF AGRICULTURAL CARRIERS

## AN ACT

To create and enact sections 49-18-34.1, 49-18-38.1, 49-18-38.2 and 49-18-38.3 of the North Dakota Century Code, providing for regulation of agricultural carriers by the public service commission, and requiring hearings on applications for agricultural carrier permits, and providing for factors to be considered in issuing agricultural carrier permits, and providing for the suspension, revocation and abandonment of agricultural carrier permits, and to amend and reenact subsection 4 of section 49-18-01, sections 49-18-35, 49-18-36 and 49-18-38 of the North Dakota Century Code, relating to the definition of an agricultural carrier, and clarifying those required to have agricultural carrier permits, and relating to the fee for agricultural carrier permits, and relating to the form of application for agricultural carrier permits and providing for temporary agricultural carrier permits.

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

**§ 1. Amendment.)** Subsection 4 of section 49-18-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Agricultural carrier" shall mean any person, firm, association, or corporation, hauling or transporting for hire, grain, seed, feed, poultry, livestock, dairy products, and other agricultural products, or farm supplies from the farm where such products are produced, grown, or further processed, to the market or place where such products or supplies are sold, stored, disposed of, purchased or acquired, and the hauling or transporting of such agricultural products or farm supplies from the market or place where the same are purchased or acquired to the farm where the same are to be used, consumed, or further processed;

**§ 2.)** Section 49-18-34.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**49-18-34.1. Regulation of Agricultural Carriers by Commission.)** The commission shall:

1. Supervise and regulate every agricultural carrier for the purpose of promoting safety upon the highways and the conservation of their use;

2. Supervise and regulate the facilities, accounts, service, and the method and safety of operation of each such carrier;
3. Require the filing of annual and other reports and data by such carriers;
4. Supervise and regulate such agricultural carriers in all matters affecting the relation between such carriers and the public to the end that the provisions of this chapter may be fully and completely carried out;
5. Have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this chapter applicable to any and all such carriers, and to do all things necessary to carry out and enforce the provisions of this chapter.

§ 3. **Amendment.)** Section 49-18-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**49-18-35. Agricultural Carrier — Must Have Permit.)** No agricultural carrier shall operate any motor vehicle on any public highway in this state without a permit from the commission.

§ 4. **Amendment.)** Section 49-18-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**49-18-36. Agricultural Carrier — Fee for Permit.)** Every agricultural carrier at the time of making application for an agricultural carrier's permit, and annually thereafter, on or before April fifteenth of each calendar year, shall pay a fee of twenty-five dollars.

§ 5. **Amendment.)** Section 49-18-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**49-18-38. Application for Agricultural Carrier Permit — Form—Temporary Permit.)** The commission shall prescribe a form of application for an agricultural carrier permit and shall make regulations for the filing thereof. Said application shall contain a statement by the applicant that he will confine the operation of his motor vehicle within the limitations of the definition of an agricultural carrier, and that he consents to be governed by the safety regulations now in force or that hereafter may be enacted or prescribed. Application for such permit shall be made in writing, stating the ownership, financial condition, equipment to be used, and physical property of

the applicant, and shall contain such other information as the commission may require. However, upon receipt of such an application and when there is an immediate and urgent need, the commission shall have the authority to grant a temporary permit for service by an agricultural carrier under such limitations as prescribed by the commission. Such temporary permit shall be granted without a hearing and, unless suspended or revoked for good cause, shall be valid for such time as the commission shall specify, but for not more than an aggregate of one hundred eighty days, and shall create no presumption that the corresponding permit shall be granted if hearing is held on the application. Such temporary permit shall be transferable only after notice to all interested parties and approval by the commission, after opportunity for hearing.

§ 6.) Section 49-18-38.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**49-18-38.1. Agricultural Carrier — Hearing for Permit.)**

Upon the filing of an application for a permit, as provided by section 49-18-38, the commission at its discretion may require a hearing and fix a time for such hearing, which shall not be less than twenty days after such filing. The commission shall cause notice of such hearing to be served by registered or certified mail at least ten days before the hearing upon every railroad corporation or other common carrier, and every agricultural carrier, which is operating or which has applied for a certificate or permit to operate in the territory proposed to be served by the applicant and on other interested parties as determined by the commission. Any such common carrier, and other interested persons, may offer testimony for or against the granting of such certificate.

§ 7.) Section 49-18-38.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

**49-18-38.2. Issuance of Agricultural Carrier Permit—Factors Considered.)** The commission is vested with power and authority to grant or deny, after hearing, the permit prayed for by an agricultural carrier, or to grant it for the partial exercise only of the privilege sought. It may attach to the exercise of the privilege granted by such permit, such terms and conditions as in its judgment will carry out the purposes of this chapter. No permit shall be granted unless the applicant has established to the satisfaction of the commission that the privilege sought will not endanger the safety of the public nor interfere with the public use of the public highways, nor impair the condition or maintenance of such highways, directly or indirectly.

§ 8.) Section 49-18-38.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

**49-18-38.3. Agricultural Carrier Permit—Suspension—Revocation—Notice to Commission of Abandonment.)** The commission, at any time, for good cause, may suspend an agricultural carrier permit and upon not less than five days notice to the grantee and an opportunity to be heard may revoke such permit. Every agricultural carrier who shall cease operation or abandon his rights under the permit issued shall notify the commission within thirty days of such cessation or abandonment.

Approved March 14, 1967.