

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 222

SENATE BILL NO. 2204
(Coughlin, Strinden, Thane, Page)

ENFORCEMENT OF MOTOR CARRIER LAW

AN ACT to amend and reenact sections 24-01-13 and 49-18-45 of the North Dakota Century Code, relating to enforcement activities of appointees of the commissioner of the state highway department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-13. ENFORCEMENT OF HIGHWAY LAWS - VEHICLE SIZE AND WEIGHT CONTROLLED.) The commissioner and each officer and inspector of the state highway department, designated by him, shall enforce the provisions of chapter 49-18, and shall have general police powers with respect to enforcement of all laws pertaining to the use of motor vehicles and trailers, other than passenger cars and motorcycles, upon the highways, roads and streets of this state and may:

1. Classify highways and enforce limitations as to weight and load of vehicles thereon as provided under section 39-12-01;
2. Issue special written permits authorizing the operation of oversized or overweight vehicles as provided for under section 39-12-02;
3. Prohibit the operation, or may impose restrictions on vehicular use of highways during certain seasons of the year as provided for under section 39-12-03; and
4. Issue permits authorizing the operation of tractors or traction engines with movable tracks as provided for under subsection 4 of section 39-21-40.

SECTION 2. AMENDMENT.) Section 49-18-45 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-18-45. ENFORCEMENT OF CHAPTER - APPOINTMENT OF ADDITIONAL HIGHWAY PATROLMEN.) Any peace officer of the state may make an

arrest for any violation of this chapter, and the state's attorney of the county wherein such offense was committed shall prosecute the same. The highway patrol, and officers and inspectors designated by the commissioner of the state highway department, shall enforce the provisions of this chapter in any part of the state. Upon written request of the commission, the highway patrol, or appointees of the commissioner of the state highway department, the attorney general shall prosecute or assist in the prosecution of any person alleged to have violated any provision of this chapter, or any rule laid down by the commission thereunder. The commission, together with its officers and employees, the highway patrol, and appointees of the commissioner of the state highway department, shall assist in the enforcement of this chapter and shall institute, or cause to be instituted, prosecutions for the violation of any of the provisions hereof.

The superintendent of the state highway patrol is authorized to appoint additional patrolmen, not to exceed five, to aid in the enforcement of this chapter.

Approved March 15, 1973

CHAPTER 223

HOUSE BILL NO. 1530
(Laughlin)

COUNTY ROAD TAX LEVY

AN ACT to amend and reenact section 24-05-01 and subsection 3 of section 57-15-06 of the North Dakota Century Code, relating to the county road tax levy and county levy limitations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-05-01. COUNTY ROAD TAX - ALLOCATION AND USE OF FUNDS.) In each county of this state having a population of two thousand or more according to the latest United States or state census, there shall be levied and collected a property tax of not less than one-fourth of one mill, nor more than the maximum rate permitted by law, on each dollar of the assessed valuation of all taxable property in the county for the improvement of highways. When authorized to do so by sixty percent of the electors voting upon the question at a regular or special election in any county, the county commissioners may levy and collect a property tax of not more than two mills on each dollar of the assessed valuation of all taxable property in the county for the improvement of highways, which levy shall be in addition to, and shall not be restricted by, the levy limitations of section 57-15-06. The levy pursuant to such an election may be discontinued at the discretion of the county commissioners; or, upon petition of five percent of the qualified electors of such county, the question of discontinuance of the levy shall be submitted to the electors of the county at any regular or special election and, upon a favorable vote of sixty percent of the electors voting, such levy shall be discontinued. Of the proceeds of such tax collected on account of real or personal property situated within any city, by the county treasurer of the county in which such city is located, twenty percent shall be turned over by such treasurer to the treasurer of such city, in the manner provided in section 11-13-06 to be expended under the direction of the governing body of such subdivision in the improvement of the streets and highways thereof. All other proceeds of such tax shall be kept in a distinct fund to be known as the "county road fund" and shall be expended in the improvement of highways as

provided in this chapter under the direction of the board of county commissioners. Such taxes shall be in addition to all other taxes for highway purposes otherwise provided by law. The provisions of this section in regard to allocation shall apply to the proceeds of any tax originally levied for other purposes if appropriated or transferred to the county road fund or for expenditure for road and bridge purposes.

*SECTION 2. AMENDMENT.) Subsection 3 of section 57-15-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The twenty-mill limitation shall apply to all tax levies which the county is authorized to levy for general and special county purposes, including taxes levied for road and bridge purposes. Any unexpended balance in the county road fund at the end of the fiscal year may be transferred to a special road fund, except that such special fund shall never exceed the amount a ten-mill levy on the assessed valuation of the county would yield, and the balance in said fund shall not be considered in determining the budget or the amount that may be levied. Such mill limitation shall not apply:
 - a. To tax levies made for the purpose of paying the principal and interest on any obligations of the county evidenced by the issuance of bonds;
 - b. To tax levies made to pay the county tuition provided for by section 57-15-24;
 - c. To taxes levied for the purpose of combating gophers pursuant to section 4-16-02;
 - d. To taxes levied pursuant to any statute which expressly provides that the taxes authorized to be levied therein shall not be subject to the twenty-mill limitations for general and special county purposes;
 - e. To the tax levied pursuant to the provisions of chapter 15-42 of the title Education, for support and maintenance of county agricultural and training schools, up to a maximum of two and one-half mills on the assessed value in the county for such purpose. Nothing herein contained shall be construed to prevent the appropriation of money from the county general fund for the support and maintenance of county agricultural and training schools;
 - f. To taxes levied for the purpose of establishing and maintaining a library fund for public library services; or
 - g. To taxes levied for road and bridge purposes

*NOTE: Section 57-15-06 was also amended by section 2 of House Bill No. 1146, chapter 211.

pursuant to the election provisions of section
24-05-01.

Approved March 28, 1973

CHAPTER 224

HOUSE BILL NO. 1241
(Thorsgard, Kingsbury, Weber)

GRADED INSLOPE REQUIREMENTS

AN ACT to create and enact sections 24-05-21 and 24-05-22 of the North Dakota Century Code, providing for the sufficient grading of the inslope of all roads and approaches which intersect with county and township roads and exceptions to the requirement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 24-05-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

24-05-21. ROADS AND APPROACHES INTERSECTING WITH COUNTY OR TOWNSHIP ROADS - REQUIREMENT.) All roads and approaches constructed after July 1, 1973, which intersect with county or township roads, must have a graded inslope at the place of intersection of at least a three-to-one ratio, thus permitting vehicles which may accidentally leave any county or township road and strike the inslope a reasonably safe access over the road or approach.

SECTION 2.) Section 24-05-22 of the North Dakota Century Code is hereby created and enacted to read as follows:

24-05-22. GRADED INSLOPE REQUIREMENT - EXCEPTIONS.) The requirement of section 24-05-21 as to a graded inslope of all roads and approaches shall not apply:

1. Where the governing body having authority over such roads and approaches exempts such roads and approaches from the requirement of section 24-05-21 due to factors causing an unduly prohibitive cost of compliance.
2. To roads and approaches of the state highway system which intersect county or township roads.
3. To roads and approaches which intersect county roads constructed in compliance with requirements of the federal aid system.

Approved February 25, 1973

CHAPTER 225

SENATE BILL NO. 2362
(Goldberg)

APPORTIONMENT OF COST OF
RAILROAD CROSSING DEVICE

AN ACT to amend and reenact section 24-09-08.1 of the North Dakota Century Code, relative to highway fund and increasing amount to be expended therefrom.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-09-08.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-09-08.1. PUBLIC SERVICE COMMISSION TO APPORTION COST.) In order to promote public safety at intersections of railroad lines and all classes of highways, excepting those for which federal aid is available for automatic grade crossing protection devices, the public service commission shall apportion the cost thereof in accordance with this section. In the event that the public service commission in accordance with the provisions of section 24-09-08 orders that any grade crossing shall be protected by improved or modified automatic grade crossing protection devices, the public service commission shall in its order apportion the cost thereof between the railroad interested, the political subdivision having jurisdiction of the highway involved, and the state of North Dakota. Such cost shall be apportioned to such parties or to any one or more of such parties on the basis of the benefit derived respectively by highway users and the railroad from the installation of such crossing protection device. For the purpose of this section, the cost attributable to the benefit of the highway users shall be apportioned to the state of North Dakota or to the political subdivision having jurisdiction of the highway involved or to both of such parties. The cost apportioned to the state of North Dakota shall be paid out of the highway fund in the state treasury, provided that not more than one hundred thousand dollars may be expended for this purpose in any one biennium.

Approved March 19, 1973