

# MOTOR VEHICLES

## CHAPTER 322

HOUSE BILL NO. 1116  
(Gackle)

### WIDTH AND LENGTH LIMITATIONS

AN ACT to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to the definition of "saddle mount", and to amend and reenact subdivision a of subsection 1 and subsections 3, 4, 5, 6, and 7 of section 39-12-04 of the North Dakota Century Code, relating to the width, height, and length limitations on vehicles.

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

SECTION 1.) A new subsection to section 39-01-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

"Saddle mount" shall mean placing the front wheels of the drawn vehicle upon the bed of the drawing vehicle.

SECTION 2. AMENDMENT.) Subdivision a of subsection 1 and subsections 3, 4, 5, 6, and 7 of section 39-12-04 of the 1973 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

- a. Vehicles not exceeding one hundred two inches while operated on those highways designated by the highway commissioner.
3. A length limitation as follows:
  - a. A single unit vehicle with two axles including the load thereon shall not exceed a length of thirty-five feet.
  - b. A single unit vehicle with three or more axles including the load thereon shall not exceed a length of forty feet.
  - c. A combination of two units including the load thereon, may be operated on and over those highways in the state designated by the highway commissioner and shall not exceed a length of sixty-five feet.

- d. A combination of three units including the load thereon may be operated on and over those highways in the state designated by the highway commissioner and shall not exceed a length of sixty-five feet. Combinations of three units are permissible only as follows:
- (1) A truck-tractor and semitrailer may draw a trailer or semitrailer converted to a trailer by use of a dolly and fifth wheel.
  - (2) A motor vehicle may draw three motor vehicles attached thereto by a triple saddle mount method.
  - (3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles per hour. The two implement of husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the highway commissioner determines by regulation are consistent with public highway safety.
- e. Length limitations shall not apply to:
- (1) Building moving equipment.
  - (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
  - (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
  - (4) Structural material of telephone, power, and telegraph companies.

Approved March 10, 1975

## CHAPTER 323

HOUSE BILL NO. 1255

(Committee on Transportation)

(At the request of the Motor Vehicle Registrar)

### MOTOR VEHICLE BRANCH OFFICES

AN ACT to amend and reenact section 39-02-03 of the North Dakota Century Code, relating to the office of the motor vehicle registrar.

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

SECTION 1. AMENDMENT.) Section 39-02-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-02-03. POWERS AND DUTIES OF REGISTRAR AND DEPARTMENT.) The registrar, subject to the approval of the governor, may adopt and enforce such administrative rules and regulations and designate such agencies and establish such branch offices as may be necessary to carry out the laws applicable to his office and department. He shall provide suitable forms for applications, registration cards, license number plates, and all other forms requisite for the operation of his office and department, and shall prepay all transportation charges thereon. In addition, the registrar shall provide for a uniform fee schedule for the various services provided by the branch offices. All branch office personnel shall be bonded. The department and the officers thereof shall enforce the provisions of all laws pertaining to the registrar and the motor vehicle department.

Approved March 12, 1975

## CHAPTER 324

HOUSE BILL NO. 1254

(Committee on Transportation)

(At the request of the Motor Vehicle Department)

## NOTICE AND HEARING REQUIREMENTS

AN ACT to provide notice and opportunity for hearing prior to cancellation, revocation, suspension, or rescision of a motor vehicle registration or a certificate of title to a motor vehicle.

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

SECTION 1. MOTOR VEHICLE REGISTRAR TO PROVIDE NOTICE AND OPPORTUNITY FOR HEARING PRIOR TO CANCELLATION, REVOCATION, SUSPENSION, OR RESCISION OF A MOTOR VEHICLE REGISTRATION OR A CERTIFICATE OF TITLE TO A MOTOR VEHICLE.) Whenever, under the laws pertaining to the cancellation, revocation, suspension, or rescision of a registration of a motor vehicle or a certificate of title to a motor vehicle, a determination has been made to cancel, revoke, suspend, or rescind either the registration or certificate of title, or both, the motor vehicle registrar shall provide the legal and registered owner with notice of such cancellation, revocation, suspension, or rescision and the opportunity for a hearing. Such notice shall be sent by registered or certified mail, return receipt requested, not less than ten days prior to the effective date of the cancellation, revocation, suspension, or rescision.

Approved March 17, 1975

## CHAPTER 325

HOUSE BILL NO. 1171  
(Hilleboe)

## HIGHWAY PATROL RETIREMENT

AN ACT to amend and reenact subsection 8 of section 39-03A-01, 39-03A-09, 39-03A-11, 39-03A-12, 39-03A-13, 39-03A-14, 39-03A-16, 39-03A-21, and 39-03A-21.1 of the North Dakota Century Code, relating to the North Dakota highway patrolmen's retirement system.

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

SECTION 1. AMENDMENT.) Subsection 8 of section 39-03A-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. "Regular interest", the interest credited on the contributor's contribution in the amount of four percent per annum.

SECTION 2. 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 nine percent of his monthly salary, but not to exceed seventy-six dollars and fifty cents, which sum shall be deducted from his salary and credited to his account in the fund. A contributor who was paid a refund or severance allowance upon a termination of employment with the patrol and who again becomes a contributor may, at any time prior to retirement, elect to return to the fund the amount which was paid him as a refund or severance allowance plus regular interest thereon for the period during which amount was withdrawn from the fund. All such payments must be made in full before a retirement or optional retirement allowance is granted, and, if the contributor elects to make such payment, any survivor's allowance to which his survivor 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. 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.

SECTION 3. AMENDMENT.) Section 39-03A-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-11. RETIREMENT.) Each contributor whose employment with the patrol has been terminated and has at least twenty-five years accumulated deductions may, after reaching the age of fifty-five years, apply to the board for the retirement allowance provided in section 39-03A-12.

SECTION 4. AMENDMENT.) Section 39-03A-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-12. RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A-11 shall be entitled to receive from the fund for the duration of his life, a monthly retirement allowance equal to two and one-fourth percent of the average monthly salary, not to exceed eight hundred fifty dollars, for the sixty months of service immediately preceding retirement from the patrol, multiplied by twenty-five. For each complete additional year of service over twenty-five the contributor shall be entitled to an additional one and one-half percent per month of his average salary, as determined above.

SECTION 5. AMENDMENT.) Section 39-03A-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-13. OPTIONAL RETIREMENT.) Each contributor whose employment with the patrol has been terminated and has at least fifteen years accumulated deductions may, after reaching the age of sixty years, apply to the board for the optional retirement allowance provided for in section 39-03A-14. A contributor retiring after July 1, 1975, may apply for such allowance after reaching the age of fifty-five years.

SECTION 6. AMENDMENT.) Section 39-03A-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-14. OPTIONAL RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A-13 shall be entitled to receive from the fund, for the duration of his life, a monthly optional retirement allowance equal to two and one-fourth percent of the average monthly salary, not to exceed eight hundred fifty dollars, for the last sixty months of service, times the total number of years served.

SECTION 7. AMENDMENT.) Section 39-03A-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-16. DISABILITY RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A-15 shall be entitled to receive from the fund for the duration of the period of total disability a monthly disability retirement allowance which when added to the compensation allowance, if any, to which the contributor may be entitled under the workmen's compensation laws will equal two hundred dollars per month; provided that if the contributor has at least ten years of accumulated deductions the allowance shall equal three hundred dollars per month and if the contributor has at least

fifteen years of accumulated deductions the allowance shall equal four hundred dollars per month.

SECTION 8. 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. If there is no surviving wife or if the surviving wife remarries, and there are no surviving children under eighteen years of age, then an allowance shall be paid to the father or mother of the contributor as specified by the contributor, if both survive, or to either parent if one survives.

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 one hundred eighty-one dollars and fifty cents per month.

SECTION 9. AMENDMENT.) Section 39-03A-21.1 of the North Dakota Century Code is hereby amended and reenacted 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 twelve dollars 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 thirty dollars 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 two hundred forty-two dollars per month. 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.

Approved March 22, 1975

## CHAPTER 326

SENATE BILL NO. 2246

(Committee on Transportation)

(At the request of the Motor Vehicle Registrar)

GROUNDS FOR REFUSAL TO ISSUE  
TITLE CERTIFICATES

AN ACT to amend and reenact section 39-04-05 of the North Dakota Century Code, relating to the registration and titling of motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-05. GROUNDS FOR REFUSING REGISTRATION OR CERTIFICATE OF TITLE.) The department shall refuse registration or any transfer of registration and shall not issue a certificate of title or transfer a certificate of title upon any of the following grounds:

1. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;
2. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
3. That the department has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle;
4. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;
5. That the required fee has not been paid; or
6. When any sales tax or motor vehicle excise tax, properly due, has not been paid.

The motor vehicle registrar shall promulgate rules and regulations for the refusal of the registration or certificate of title of motor vehicles not equipped as required by chapter 39-21.

Approved March 13, 1975



## CHAPTER 327

HOUSE BILL NO. 1253

(Committee on Transportation)

(At the request of the Motor Vehicle Registrar)

### REGISTRATION PLATES

AN ACT to amend and reenact sections 39-04-09 and 39-04-12 of the North Dakota Century Code, relating to the registration plates of motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-04-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-09. REGISTRAR MAY DESIGN AND ISSUE NUMBER PLATES.) The registrar may design and issue plates of distinctly different color 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.

SECTION 2. AMENDMENT.) Section 39-04-12 of the 1973 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 plate shall be treated with a reflectORIZED material according to the specifications prescribed by the registrar. The registrar shall furnish such number plates for a period to be determined by the registrar, which period shall not be less than four years. 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 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, except as hereinafter provided.

A registration plate currently assigned to a motor vehicle may be transferred to a similar replacement motor vehicle at the owner's request, upon payment of the appropriate registration fees applicable to the replacement vehicle and a three dollar transfer fee. A new registration plate shall be assigned to the motor vehicle being replaced.

The motor vehicle registrar may, in his discretion, provide special plates marked with initials, letters, or combinations 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 may be surrendered and upon application, a regular license plate shall be issued without additional cost or upon payment of the applicable registration fee, be transferred to the replacement motor vehicle.

Approved March 9, 1975

## CHAPTER 328

HOUSE BILL NO. 1250  
(Committee on Transportation)  
(At the request of the Motor Vehicle Registrar)

### REPEAL OF VARIOUS MOTOR VEHICLE LAWS

AN ACT to repeal sections 39-04-16, 39-04-27, 39-05-02, and 39-05-26 of the North Dakota Century Code, relating to registration and titling of motor vehicles.

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

SECTION 1. REPEAL.) Sections 39-04-16, 39-04-27, 39-05-02, and 39-05-26 of the North Dakota Century Code are hereby repealed.

Approved March 22, 1975

## CHAPTER 329

SENATE BILL NO. 2256  
(Solberg, Iszler)

## REGISTRATION OF DRIVER EDUCATION VEHICLES

AN ACT to amend and reenact subdivision b of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicle registration.

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

SECTION 1. AMENDMENT.) Subdivision b of subsection 2 of section 39-04-18 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. Motor vehicles owned and operated by Indian mission schools or by this state or any of its agencies, departments, or political subdivisions, including school districts possessing a motor vehicle or vehicles used for driver education instruction, provided, however, that such vehicles shall display license plates provided by the motor vehicle registrar at actual cost.

Each new automobile loaned and furnished free of charge by a licensed North Dakota new car dealer to a school district in North Dakota to be used exclusively for instructing pupils in the driver education and training program conducted by such school district will be assigned an official license plate from a designated group of numbers. Said license plates shall be used only on such automobiles furnished free of charge by dealers and used in the driver education program, and for no other purpose except for garaging and safekeeping of said automobile.

No person shall use an automobile bearing official license plates with the designated numbers as provided for in this Act for any purpose other than driver education course instruction. Any person using a free loan driver education motor vehicle for purposes other than for instruction shall be guilty of a class B misdemeanor. No person shall be in violation of this Act in the event he is required by the dealer or a school administrator to house or otherwise protect any such vehicle at his home or other facility.

Approved March 22, 1975

## CHAPTER 330

SENATE BILL NO. 2247

(Committee on Transportation)

(At the request of the Motor Vehicle Department)

### TRUCK REGISTRATION FEES

AN ACT to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to registration of motor vehicles.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 39-04-19 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 5. Trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds owned, or leased for a minimum period of one year by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from such farms, nor otherwise for hire. The registrar shall design a distinctive number plate for such vehicles, commencing with the next plate issue. Until the next plate issue, the registrar shall issue distinctive yearly renewal stickers.

#### YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Sub- sequent Years
0-4,000	\$ 19.00	\$ 15.00	\$ 11.00	\$ 11.00
4,001-6,000	24.00	19.00	15.00	11.00
6,001-8,000	29.00	23.00	18.00	11.00
8,001-10,000	34.00	28.00	21.00	12.00
10,001-12,000	40.00	32.00	24.00	14.00
12,001-14,000	45.00	36.00	27.00	16.00
14,001-16,000	50.00	40.00	30.00	18.00

\*NOTE: Subsection 5 of section 39-04-19 was also amended by section 1 of House Bill No. 1354, chapter 331.

Gross Weights	Years Registered			
	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Sub- sequent Years
16,001-18,000	55.00	44.00	33.00	20.00
18,001-20,000	61.00	49.00	37.00	22.00
20,001-22,000	66.00	53.00	40.00	23.00
22,001-24,000	71.00	57.00	43.00	25.00
24,001-26,000	76.00	61.00	46.00	27.00
26,001-28,000	86.00	69.00	52.00	31.00
28,001-30,000	96.00	77.00	58.00	35.00
30,001-32,000	106.00	85.00	64.00	39.00
32,001-34,000	116.00	93.00	70.00	43.00
34,001-36,000	126.00	101.00	76.00	47.00
36,001-38,000	136.00	109.00	82.00	51.00
38,001-40,000	146.00	117.00	88.00	55.00
40,001-42,000	156.00	125.00	94.00	59.00
42,001-44,000	166.00	133.00	100.00	63.00
44,001-46,000	176.00	141.00	106.00	67.00
46,001-48,000	186.00	149.00	112.00	71.00
48,001-50,000	196.00	157.00	118.00	75.00
50,001-52,000	206.00	165.00	124.00	79.00
52,001-54,000	216.00	173.00	130.00	83.00
54,001-56,000	226.00	181.00	136.00	87.00
56,001-58,000	236.00	189.00	142.00	91.00
58,001-60,000	246.00	197.00	148.00	95.00
60,001-62,000	256.00	205.00	154.00	99.00
62,001-64,000	266.00	213.00	160.00	103.00
64,001-66,000	276.00	221.00	166.00	107.00
66,001-68,000	286.00	229.00	172.00	111.00
68,001-70,000	296.00	237.00	178.00	115.00
70,001-72,000	306.00	245.00	184.00	119.00
72,001-74,000	316.00	253.00	190.00	123.00
74,001-76,000	326.00	261.00	196.00	127.00
76,001-78,000	336.00	269.00	202.00	131.00
78,001-80,000	346.00	277.00	208.00	135.00
80,001-82,000	356.00	285.00	214.00	139.00

Approved April 8, 1975

## CHAPTER 331

HOUSE BILL NO. 1354  
(K. Johnson)

## REGISTRATION FEES AND MILE TAX

AN ACT to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees and mile tax.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 5. Trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds owned by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from such farms, nor otherwise for hire. The registrar shall design a distinctive number plate for such vehicles, commencing with the next plate issue. Until the next plate issue, the registrar shall issue distinctive yearly renewal stickers.

## YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0- 4,000	\$ 19.00	\$ 15.00	\$ 11.00	\$ 11.00
4,001- 6,000	24.00	19.00	15.00	11.00
6,001- 8,000	29.00	23.00	18.00	11.00
8,001-10,000	34.00	28.00	21.00	12.00
10,001-12,000	40.00	32.00	24.00	14.00
12,001-14,000	45.00	36.00	27.00	16.00
14,001-16,000	50.00	40.00	30.00	18.00

\*NOTE: Subsection 5 of section 39-04-19 was also amended by section 1 of Senate Bill No. 2247, chapter 330.

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
16,001-18,000	\$ 55.00	\$ 44.00	\$ 33.00	\$ 20.00
18,001-20,000	61.00	49.00	37.00	22.00
20,001-22,000	66.00	53.00	40.00	23.00
22,001-24,000	71.00	57.00	43.00	25.00
24,001-26,000	76.00	61.00	46.00	27.00
26,001-28,000	86.00	69.00	52.00	31.00
28,001-30,000	96.00	77.00	58.00	35.00
30,001-32,000	106.00	85.00	64.00	39.00
32,001-34,000	116.00	93.00	70.00	43.00
34,001-36,000	126.00	101.00	76.00	47.00
36,001-38,000	136.00	109.00	82.00	51.00
38,001-40,000	146.00	117.00	88.00	55.00
40,001-42,000	156.00	125.00	94.00	59.00
42,001-44,000	166.00	133.00	100.00	63.00
44,001-46,000	176.00	141.00	106.00	67.00
46,001-48,000	186.00	149.00	112.00	71.00
48,001-50,000	196.00	157.00	118.00	75.00
50,001-52,000	206.00	165.00	124.00	79.00
52,001-54,000	216.00	173.00	130.00	83.00
54,001-56,000	226.00	181.00	136.00	87.00
56,001-58,000	236.00	189.00	142.00	91.00
58,001-60,000	246.00	197.00	148.00	95.00
60,001-62,000	256.00	205.00	154.00	99.00
62,001-64,000	266.00	213.00	160.00	103.00
64,001-66,000	276.00	221.00	166.00	107.00
66,001-68,000	286.00	229.00	172.00	111.00
68,001-70,000	296.00	237.00	178.00	115.00
70,001-72,000	306.00	245.00	184.00	119.00
72,001-74,000	316.00	253.00	190.00	123.00
74,001-76,000	326.00	261.00	196.00	127.00
76,001-78,000	336.00	269.00	202.00	131.00
78,001-80,000	346.00	277.00	208.00	135.00
80,001-82,000	356.00	285.00	214.00	139.00

Approved March 12, 1975



## CHAPTER 332

HOUSE BILL NO. 1259  
(Committee on Transportation)  
(At the request of the Motor Vehicle Registrar)

## MOTOR VEHICLE FEES

AN ACT to amend and reenact sections 39-05-05, 39-05-09.1, and 39-05-19 of the North Dakota Century Code, relating to fees for various motor vehicle office services.

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

SECTION 1. AMENDMENT.) Section 39-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-05. APPLICATION FOR CERTIFICATE OF TITLE - CONTENTS - FEE TO ACCOMPANY.) An application for a certificate of title shall be made upon an appropriate form furnished or approved by the department and shall contain:

1. A full description of the motor vehicle, including the name of the maker, either the engine, serial, or identification number, and any other distinguishing marks thereon;
2. A statement as to whether the vehicle is new or used;
3. A statement of the applicant's title and of any liens or encumbrances upon said vehicle;
4. The name and address of the person to whom the certificate shall be delivered; and
5. Such other information as the department may require.

When a new motor vehicle is purchased from a dealer, the application for the certificate of title shall include a statement of the transfer by the dealer and of any lien retained by such dealer or other lien holder. If the title to such a vehicle is reserved by the dealer or other lien holder, the certificate shall be made out to the dealer or lien holder and delivered to him as the legal owner of the vehicle. Every application shall be accompanied by a fee of three dollars, which shall be in addition to any fee charged for the registration of such vehicle.

SECTION 2. AMENDMENT.) Section 39-05-09.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-09.1. LOST, STOLEN, OR MUTILATED CERTIFICATE OF TITLE.) If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the department, and upon the payment of three dollars. The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it or, if none, to the owner.

A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the department.

SECTION 3. AMENDMENT.) Section 39-05-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-19. OBTAINING CERTIFICATE OF TITLE FOR VEHICLE WHEN OWNERSHIP OBTAINED BY OTHER THAN VOLUNTARY MEANS.) Whenever the ownership of any motor vehicle shall pass otherwise than by voluntary transfer, the new legal owner may obtain a certificate of title therefor from the department upon application therefor and payment of a fee of three dollars, accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title in or to chattels in such case. The department, when satisfied of the genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto.

Approved March 9, 1975

## CHAPTER 333

HOUSE BILL NO. 1092  
(Eagles)

## RESTRICTED INSTRUCTION PERMITS

AN ACT to amend and reenact section 39-06-05 of the North Dakota Century Code, relating to restricted instruction permits.

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

SECTION 1. AMENDMENT.) Section 39-06-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-05. RESTRICTED INSTRUCTION PERMIT - WHEN INSTRUCTION PERMIT NOT REQUIRED.)

1. The commissioner upon receiving proper application may in his discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a commercial driver training course which includes practice driving and which is approved by the superintendent of the highway patrol pursuant to chapter 39-25 even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such a permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.
2. Any student who is enrolled in behind-the-wheel driver's training through a high school program approved by the superintendent of public instruction may operate a motor vehicle, under the supervision of a driver training instructor certified by the superintendent of public instruction, without a permit or license to operate a motor vehicle, provided that the school district sponsoring the driver's training program has a policy of insurance covering any damage which may be done by any such student while operating the vehicle, and provided further that proof of such coverage is filed with the department of public instruction by the school district's insurance carrier. The amount of the insurance coverage shall be in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident.

Approved March 6, 1975

## CHAPTER 334

Senate Bill No. 2413  
(Sandness, Wright)

## COLOR PHOTOGRAPHS ON DRIVERS' LICENSES

AN ACT to create and enact section 39-06-07.1 of the North Dakota Century Code, relating to proof of name and date of birth for motor vehicle operator's license application and to amend and reenact subsection 1 of section 39-06-14 and section 39-06-19 of the North Dakota Century Code, relating to licenses issued to motor vehicle operators and to the expiration and renewal of motor vehicle operator's licenses, to provide an effective date, and to provide an appropriation.

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

SECTION 1.) Section 39-06-07.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-06-07.1. PROOF OF NAME AND DATE OF BIRTH FOR OPERATOR'S LICENSE APPLICATION.) The name and date of birth on all original applications must be verified by a birth certificate or other satisfactory evidence. Applicants must produce documents which will be acceptable as listed below:

1. Birth certificate; or
2. Any other documentary evidence which confirms to the satisfaction of the examining officer the true identity and date of birth of the applicant.

SECTION 2. AMENDMENT.) Subsection 1 of section 39-06-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner shall, upon payment of an eight-dollar fee, issue to every applicant qualifying therefor an operator's license as applied for in the form prescribed by the commissioner. The license shall bear a distinguishing number assigned to the licensee, a color photograph of 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. The commissioner shall have the authority to promulgate rules and regulations, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses.

SECTION 3. AMENDMENT.) Section 39-06-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-19. EXPIRATION OF LICENSE - RENEWAL.) Every operator's license issued under the provisions of this chapter shall expire and be renewed according to the following schedule: The expiration date of operator's license for every person whose year of birth occurred in a year ending in an odd numeral shall be twelve o'clock midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an even numeral shall be twelve o'clock midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. Notwithstanding the foregoing provisions, during the period between July 1, 1976, and June 30, 1978, every person whose year of birth occurred in a year ending in an even numeral shall be issued a two-year license if that person's day of birth is an odd numeral, or a four-year license if that person's day of birth is an even numeral. Also, between July 1, 1976, and June 30, 1978, every person whose year of birth occurred in a year ending in an odd numeral shall be issued a two-year license if that person's day of birth is an odd numeral, or a four-year license if that person's date of birth is an even numeral. The fee established pursuant to this section and pursuant to section 39-06-14 shall be prorated accordingly. Application with fee for renewal of license shall be presented to the commissioner not prior to ninety days before the expiration date of the operator's license. The commissioner may require an examination of an applicant as upon an original application. Every application for renewal of a license by an applicant under the age of twenty-one or over the age of seventy shall be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. An application for a motor vehicle operator's license from an applicant applying for first license under the age of twenty-one may be accompanied by a certificate of examination from a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant, in lieu of the eye examination conducted by the driver licensing authorities. No certificate of examination shall be dated more than six months prior to the date of the driver license application. Every person submitting application and fee for

renewal of license one year or more after expiration of license, except an applicant whose military, or merchant marine service, as defined in section 16-18-01, has terminated less than sixty days prior to such application, shall be treated as a new driver and subject to the examination as upon an original application. The fee for every operator's license shall be eight dollars.

SECTION 4. EFFECTIVE DATE.) The provisions of this Act shall be effective beginning on July 1, 1976.

SECTION 5. APPROPRIATION.) There is hereby appropriated to the highway commissioner out of any unappropriated funds in the state highway fund in the state treasury, the sum of \$574,731, or so much thereof as may be necessary, for carrying out the provisions of this Act for the biennium beginning July 1, 1975, and ending June 30, 1977.

Approved April 9, 1975

## CHAPTER 335

SENATE BILL NO. 2157  
(Committee on Transportation)  
(At the request of the Highway Department)

## DRIVERS' LICENSES

AN ACT to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to driver's licenses issued to operators.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 39-06-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. All applicants holding a valid North Dakota driver's license making application for a renewal of such license, shall be issued a class 3 license without being subjected to an examination as herein provided. All applicants, except those holding a valid North Dakota driver's license who will be issued a class 3 license, applying for issuance of driver licenses shall be issued a classified license after having been required to submit to an examination in the type of motor vehicle or combination of vehicles for which license is desired and which license shall authorize the holder to drive the vehicles set forth in such class as follows:

Class 1. Any vehicle or combination of vehicles except vehicles under class four.

Class 2. Any vehicle or combination of vehicles except:

- a. Vehicles towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- b. Vehicles under class four.

Class 3. Any two-axle or tandem-axle vehicle except:

- a. A truck tractor combination as defined in subsection 70 of section 39-01-01;

- b. A bus more than 80 inches in width and designed to carry more than ten persons and used for carrying passengers;
- c. A two-axle or tandem-axle vehicle or combination of vehicles when towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- d. Vehicles under class 4.

Provided, however, an operator with a class 3 license may operate a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds.

Class 4. Any 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 tractors and vehicles on which the operator and/or passengers ride within an enclosed cab.

The holder of a class 1, 2, or 3 license may receive a class 4 endorsement upon successful completion of an examination. An applicant 16 years of age and older, who does not hold a current valid driver's license may be issued a class 4 learners permit after successful completion of a written examination. The class 4 license will be issued after the applicant has successfully completed a driver's examination.

Approved April 8, 1975



## CHAPTER 336

SENATE BILL NO. 2177

(Committee on Transportation)

(At the request of the State Highway Department)

### REEXAMINATION OF DRIVERS

AN ACT to create and enact section 39-06-34.1 of the North Dakota Century Code, relating to reexamination by the court.

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

SECTION 1.) Section 39-06-34.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-06-34.1. COURT MAY REQUIRE REEXAMINATION.) In addition to other powers set forth in this chapter, the court, upon finding of a moving motor vehicle violation which leads the court to believe the licensed operator is not qualified to be licensed, may direct the commissioner or his duly authorized agent to require the licensee to submit to reexamination pursuant to section 39-06-13. Written notice of at least five days shall be given to the licensee by the commissioner of such reexamination. Upon the conclusion of such examination the commissioner shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain his license, or may issue a license subject to restrictions as permitted under section 39-06-17. Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension or revocation of his license.

Approved April 8, 1975

## CHAPTER 337

HOUSE BILL NO. 1066  
(Winge, Berg, Gackle, Scofield)  
(From Legislative Council Study)

**DEPOSIT OF LICENSE FEES IN  
HIGHWAY FUND**

AN ACT to amend and reenact section 39-06-49 of the North Dakota Century Code, relating to the disposition of fees collected pursuant to chapter 39-06.

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

SECTION 1. AMENDMENT.) Section 39-06-49 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-49. FEES COLLECTED TO BE PAID INTO STATE TREASURY - DEPOSIT.) All money received under the provisions of this chapter shall be paid monthly into the highway fund in the state treasury.

Approved March 17, 1975

## CHAPTER 338

HOUSE BILL NO. 1106  
(Committee on Transportation)  
(At the request of the Highway Department)

### DRIVERS' LICENSE WARNING REPEAL

AN ACT to repeal section 39-06-51 of the North Dakota Century Code, relating to the carrying of warnings and convictions on licenses.

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

SECTION 1. REPEAL.) Section 39-06-51 of the North Dakota Century Code is hereby repealed.

Approved March 6, 1975

## CHAPTER 339

SENATE BILL NO. 2041  
(Hoffner, Barth, Iszler, Kautzmann, Nething)  
(From Legislative Council Study)

## TRAFFIC OFFENSE POINT SYSTEM REVISION

AN ACT to create and enact a new subsection to section 11-15-03, a new subsection to section 39-06.1-01, a new subsection to section 39-06.1-05, section 39-08-03.1, and a new subsection to section 40-05-02, all of the North Dakota Century Code, and to amend and reenact section 39-06-01, subsection 9 of section 39-06-03, subdivision d of subsection 3 of section 39-06-17, sections 39-06-19.1, 39-06-27, 39-06.1-02, subsections 2, 3, and 4 of section 39-06.1-03, section 39-06.1-04, subsections 1, 2, 4, and 6 of section 39-06.1-05, section 39-06.1-07, subsections 2 and 3 of section 39-06.1-10, subsection 2 of section 39-06.1-13, sections 39-07-07, 39-07-08, 39-08-07, and subsection 15 of section 40-05-02 of the North Dakota Century Code, relating to sheriffs' powers and duties, to the powers of cities to pass certain ordinances, to administrative disposition of certain traffic offenses, to a system of demerits entered against traffic offenders' driving records, to the definition of certain traffic offenses, to traffic arrest procedures, to procedures relating to the issuance, suspension, and revocation of drivers' licenses, and to provide penalties.

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

SECTION 1.) A new subsection to section 11-15-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Enforce, personally or through his deputies, all statutes defining traffic violations denominated noncriminal by section 39-06.1-02.

SECTION 2. AMENDMENT.) Section 39-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-01. OPERATORS MUST BE LICENSED - ADDITIONAL LICENSING - PENALTY.)

1. No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this

state unless such person has a valid license as an operator under the provisions of this chapter. No person shall receive an operator's license unless and until he surrenders to the commissioner all valid operator's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the commissioner to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid operator's license at any time. Any person who violates the provisions of this subsection is guilty of a class B misdemeanor.

2. Any person licensed as an operator hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations, except that municipalities may license draymen, parcel delivery men, bus drivers, taxi drivers, porters, expressmen, watermen, and others pursuing like occupations, and the operation of taxicabs, as provided by subsection 27 of section 40-05-01.

SECTION 3. AMENDMENT.) Subsection 9 of section 39-06-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. To any person who has been convicted four times of a misdemeanor on the highways, roads, or streets involving the movements of a vehicle within the preceding two-year period.

SECTION 4. AMENDMENT.) Subdivision d of subsection 3 of section 39-06-17 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- d. The child has completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the commissioner; or, in the alternative, has successfully completed a course at an approved commercial driver training school.

SECTION 5. AMENDMENT.) Section 39-06-19.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-19.1. EXTENDED TERM OF LICENSE HELD BY MEMBERS OF THE ARMED FORCES - LIMITATIONS.) A valid operator's license issued under the provisions of this chapter to a resident of North Dakota

who enters or is in the United States armed forces and serving upon active duty with such forces shall continue in full force and effect so long as the active service continues and the licensee remains absent from this state, and for not to exceed thirty days following the date on which the holder of such license is honorably separated from such service or returns to this state, unless the license is sooner suspended, canceled, or revoked for cause as provided by law. The license is valid only when in the immediate possession of the licensee while driving and the licensee has his discharge or separation papers, if he has been discharged or separated from the service, or has documentation authorizing him to be absent from his duty station in his immediate possession.

SECTION 6. AMENDMENT.) Section 39-06-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-27. SUSPENDING LICENSES UPON CONVICTION, SUSPENSION, OR REVOCATION IN ANOTHER STATE.) The commissioner may suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator. Nothing in this section shall be construed as authorizing the assessment of points against a resident driver's record in accordance with chapter 39-06.1, except upon conviction of a resident driver for a criminal offense in another state which is equivalent to one of those offenses defined in section 39-06.1-05.

Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked in any other state pursuant to a law providing for the suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the commissioner to suspend a nonresident's operating privileges had the accident occurred in this state, the commissioner shall suspend the license of such resident if he was the driver of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence satisfactory to the commissioner of his compliance with the laws of such other state relating to the deposit of security or payment of a judgment arising out of a motor vehicle accident, to the extent that such compliance would be required if the accident had occurred in this state.

SECTION 7.) A new subsection to section 39-06.1-01 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Equivalent ordinance" or "equivalent ordinances" means city ordinances which are comparable to the cited statute, and define essentially the same offense, despite the fact that the language of the ordinance may differ, or differing procedural points or methods of proof may be provided.

SECTION 8. AMENDMENT.) Section 39-06.1-02 of the 1973

Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-02. TRAFFIC VIOLATIONS NONCRIMINAL - EXCEPTIONS - PROCEDURES.) Any person cited, in accordance with the provisions of sections 39-07-07 and 39-07-08, for a traffic violation under state law or municipal ordinance, other than an offense listed in section 39-06.1-05, shall be deemed to be charged with a noncriminal offense and may appear before the designated official and pay the statutory fee for the violation charged at or prior to the time scheduled for a hearing, or, if he has posted bond in person or by mail, he may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, he may make a statement in explanation of his action, and the official may at that time, in his discretion, waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the official designated in the citation shall be identical to the statutory fee established by section 39-06.1-06. Within ten days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority:

1. Admission of the violation; and
2. In speeding violations, whether the speed charged was in excess of the lawful speed limit by more than nine miles per hour and the miles per hour by which the speed limit was exceeded.

This section shall not be construed as allowing a halting officer to receive the statutory fee or bond, unless he is otherwise authorized by law to do so.

SECTION 9. AMENDMENT.) Subsections 2, 3, and 4 of section 39-06.1-03 of the 1973 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the official having jurisdiction the sum of fifteen dollars as a prepayment of all the costs of the hearing. The requirement of prepayment of costs need not be met if the official determines that the person is unable to make such prepayment without undue hardship. If, upon the hearing, the person charged is found not to have committed the violation, the fifteen-dollar deposit shall be returned. If the person is found to have committed the violation, or fails to appear at the hearing without just cause, the deposit shall be retained and deposited with the treasurer of the county or city, as the case may be. The sum paid pursuant to this subsection shall be in addition to any

bond given by the person charged, and shall also be in addition to any statutory fee paid by that person upon a finding that he committed the violation.

3. If the official finds that the person had committed the traffic violation, he shall notify the licensing authority of that fact, and whether the person was driving more than nine miles per hour in excess of the lawful limit, stating specifically the miles per hour in excess of the lawful limit, if charged with a speeding violation, within ten days of the date of the hearing. The fact that a person has admitted a violation, or has, in any proceeding, been found to have committed a violation, shall not be referred to in any way, nor be admissible as evidence in any court, civil, equity, or criminal, except in an action or proceeding involving that person's driving license or privilege.
4. a. If a person is aggrieved by a finding that he committed the violation, he may, without payment of a filing fee, appeal that finding to the district court for trial anew, and the case may be tried to a jury, if requested. If, after trial in the district court, the person is again found to have committed the violation, there shall be no further appeal. Notice of appeal under this subsection shall be given within thirty days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that he adjudges that a violation has been committed. Otherwise, notice of appeal shall be in writing and filed with the official, and a copy of the notice shall be served upon the city attorney or state's attorney, as the case may be. An appeal taken under this subsection shall not operate to stay the reporting requirement of subsection 3 of this section, nor to stay appropriate action by the licensing authority upon receipt of that report.
- b. The district court, upon application by the appellant, may:
  - (1) Order a stay of any action by the licensing authority during pendency of the appeal, but not to exceed a period of one hundred twenty days;
  - (2) Order a stay and that the appellant be issued a temporary restricted driving certificate by the licensing authority to be effective for no more than one hundred twenty days; or



(3) Deny the application.

An application for a stay or temporary certificate under this subdivision shall be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the licensing authority may charge a fee of two dollars. Any order granting a stay or a temporary certificate shall be forwarded forthwith by the clerk of court to the licensing authority, which shall issue a temporary certificate in accordance with the order in the manner provided by law. A court shall not make a determination on an application under this subdivision without notice to the appropriate prosecuting attorney. A person who violates or exceeds the restrictions contained in any temporary restricted driving certificate issued pursuant to this subdivision shall be guilty of a traffic violation and shall be assessed a fee of twenty dollars.

- c. If the person charged is found not to have committed the violation by the district court or the jury, the clerk of court shall report that fact to the licensing authority immediately. If an appeal under this subsection is from a violation of a city ordinance, the city attorney for the city wherein the alleged violation occurred shall prosecute the appeal. In all other cases, the appropriate state's attorney shall prosecute the appeal.

SECTION 10. AMENDMENT.) Section 39-06.1-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-04. FAILURE TO APPEAR, PAY STATUTORY FEE, POST BOND - PROCEDURE - PENALTY.) If a person fails to choose one of the methods of proceeding set forth in sections 39-06.1-02 or 39-06.1-03, he shall be deemed to have admitted to commission of the violation charged, and the official having jurisdiction shall report such fact to the licensing authority within ten days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond shall be a class B misdemeanor. Failure to appear without just cause at the hearing shall also be deemed an admission of commission of the violation charged.

SECTION 11. AMENDMENT.) Subsections 1, 2, 4, and 6 of section 39-06.1-05 of the 1973 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Driving or being in actual physical control of a vehicle while under the influence of a controlled substance or intoxicating liquor in violation of section 39-08-01, or an equivalent ordinance.

2. (Subsection deleted)
4. Negligent homicide in violation of section 12.1-16-03.
6. Leaving the scene of an accident in violation of sections 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.

SECTION 12.) A new subsection to section 39-06.1-05 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Driving without a license in violation of section 39-06-01 or an equivalent ordinance.

SECTION 13. AMENDMENT.) Section 39-06.1-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-07. NOTIFICATION TO OFFENDERS - DUTIES OF LICENSING AUTHORITY.) The licensing authority shall prepare a notification form to be appended to the form of the uniform traffic summons and complaint as provided in section 29-05-31. The notification form shall contain language, approved by the attorney general, informing persons charged with traffic violations, other than offenses listed in section 39-06.1-05, of the procedures available to them under sections 39-06.1-02 and 39-06.1-03. The notification shall also contain a schedule of points to be charged against a person's driving record as provided by law, and a schedule of statutory fees and bond amounts as determined in accordance with sections 39-06.1-06 and 39-06.1-02.

SECTION 14. AMENDMENT.) Subsections 2 and 3 of section 39-06.1-10 of the 1973 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. If the licensing authority confirms, after hearing or opportunity for hearing, that the licensee's driving record has an accumulated point total of twelve or more points, the licensing authority shall suspend his operator's license according to the following schedule:

ACCUMULATED POINT TOTAL:	PERIOD OF SUSPENSION:
--------------------------	-----------------------

- |                       |                                   |
|-----------------------|-----------------------------------|
| a. Twelve             | 7 days                            |
| b. Thirteen and above | 7 days for each point over eleven |

Surrender and return of licenses suspended pursuant to this section shall be governed by the provisions of section 39-06-37.

3. Points shall be assigned and accumulated on the basis of the following schedule:

a. NONCRIMINAL VIOLATIONS  
NONCRIMINAL ADJUDICATION  
OR ADMISSION OF:

POINTS ASSIGNED:

- |      |   |          |
|------|---|----------|
| (1)  | Overtime and double parking in violation of city ordinances   | 0 points |
| (2)  | Failure to display license plates   | 1 point  |
| (3)  | Permitting unauthorized minor to drive  | 2 points |
| (4)  | Permitting unauthorized person to drive   | 2 points |
| (5)  | Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47  | 2 points |
| (6)  | Unlawful parking in prohibited place  | 1 point  |
| (7)  | Leaving motor vehicle improperly unattended on an open highway  | 1 point  |
| (8)  | Opening or leaving motor vehicle doors open when unsafe to do so  | 1 point  |
| (9)  | Knowingly drove with defective, nonexistent, or unlawful equipment in violation of subsection 1 of section 39-21-46, or equivalent ordinances | 2 points |
| (10) | Careless driving in violation of section 39-09-01, or equivalent ordinance  | 6 points |
| (11) | A violation of section 39-09-02, or equivalent ordinance, where charge is speeding:   |          |
| (a)  | From nine to fifteen miles per hour in excess of the lawful limit   | 2 points |
| (b)  | From sixteen to twenty-five miles per hour in excess of the lawful limit  | 4 points |
| (c)  | Twenty-six or more miles per hour in excess of the lawful limit   | 6 points |

NONCRIMINAL ADJUDICATION  
OR ADMISSION OF:

## POINTS ASSIGNED:

- |      |   |           |
|------|---|-----------|
| (12) | Violating or exceeding restrictions contained in a restricted certificate issued pursuant to section 39-06.1-03                                       | 4 points  |
| (13) | Fleeing in motor vehicle from law enforcement officers in motor vehicle when such action constitutes a specific offense under statute or ordinance    | 10 points |
| (14) | Drag racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance  | 10 points |
| (15) | Exhibition driving in violation of section 39-08-03.1, or equivalent ordinance  | 6 points  |
| (16) | Failing to yield right-of-way in violation of sections 39-10-20, 39-10-22 through 39-10-26, 39-10-28, 39-10-31, or 39-10-44, or equivalent ordinances | 2 points  |
| (17) | Disobeying a traffic-control signal in violation of sections 39-10-04, 39-10-05, or 39-10-07, or equivalent ordinances                                | 2 points  |
| (18) | Driving on wrong side of road in violation of sections 39-10-08, 39-10-14, or 39-10-16, or equivalent ordinances                                      | 2 points  |
| (19) | Failing to dim headlights in violation of section 39-21-21, or equivalent ordinance   | 1 point   |
| (20) | Failing to stop at railroad crossing in violation of sections 39-10-41 or 39-10-42, or equivalent ordinances  | 1 point   |

## NONCRIMINAL ADJUDICATION

## OR ADMISSION OF:

## POINTS ASSIGNED:

- (21) Knowingly drove with defective brakes in violation of sections 39-21-32, 39-21-33, or 39-21-34, or equivalent ordinances 2 points
- (22) Disregarding the lawful commands of a police officers in violation of section 39-10-02, or equivalent ordinance 2 points
- (23) Overtaking where prohibited or in an unsafe manner in violation of sections 39-10-11, 39-10-12, 39-10-13, 39-10-15, or equivalent ordinances 2 points
- (24) Overtaking and passing a school bus in violation of section 39-10-46, or equivalent ordinance 6 points

## b. CRIMINAL VIOLATIONS

## CONVICTION OF:

## POINTS ASSIGNED:

- (1) Reckless driving, in violation of section 39-08-03, or equivalent ordinance 8 points
- (2) Aggravated reckless driving, in violation of section 39-08-03, or equivalent ordinance 12 points
- (3) Leaving the scene of an accident involving property damage in violation of sections 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances 14 points
- (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance 18 points

## CRIMINAL VIOLATIONS

## CONVICTION OF:

## POINTS ASSIGNED

- |     |  |           |
|-----|--|-----------|
| (5) | Driving while under the influence in violation of section 39-08-01, or equivalent ordinance  | 15 points |
| (6) | Being in actual physical control of a motor vehicle while under the influence in violation of section 39-08-01, or equivalent ordinance  | 6 points  |
| (7) | Violating restrictions in a restricted license issued pursuant to section 39-06-17 and relating to the use of eye glasses or contact lenses while driving                            | 3 points  |
| (8) | Violating any restrictions other than those listed in paragraph (7) of this subdivision, contained in a restricted license issued pursuant to section 39-06-17 or section 39-06.1-11 | 4 points  |

SECTION 15. AMENDMENT.) Subsection 2 of section 39-06.1-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The point total shown on a licensee's driving record shall, during any twelve-month period, be reduced by three points when the licensee mails or delivers a certificate to the licensing authority indicating successful completion of eight hours of instruction in a driver training course approved by the licensing authority. Successful completion of eight or more hours of instruction shall be certified to by the instructor or instructors of the driver training course. The reduction in points authorized by this subsection shall only be from a point total accumulated prior to completion of the necessary hours of driver training instruction, and shall not exceed nine points during any three-year period commencing on the date of entry of the last points against the person's driving record.

SECTION 16. AMENDMENT.) Section 39-07-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-07. HALTING PERSON FOR VIOLATING TRAFFIC REGULATIONS - DUTY OF OFFICER HALTING.) Whenever any person is halted for the

violation of any of the provisions of chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city ordinances, the officer halting such person, except as otherwise provided in section 39-07-09, may:

1. Take the name and address of such person;
2. Take the license number of his motor vehicle; and
3. Issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

SECTION 17. AMENDMENT.) Section 39-07-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-08. HEARING - TIME - PROMISE OF DEFENDANT TO APPEAR - FAILURE TO APPEAR - PENALTY.) The time to be specified in the summons or notice provided for in section 39-07-07 shall be within ten days after the issuance of such summons or notice unless the person halted shall demand an earlier hearing, and, if the person halted desires, he may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four hours. Such hearing shall be before a magistrate of the city or county in which the offense was committed. Upon the receipt from the person halted of a written promise to appear at the time and place mentioned in the summons or notice, such officer shall release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the halting officer before the nearest or most accessible magistrate, or to such other place or before such other person as may be provided by a statute or ordinance authorizing the giving of bail. Any person willfully violating his written promise to appear shall be guilty of a class B misdemeanor, regardless of the disposition of the charge upon which he originally was halted.

SECTION 18.) Section 39-08-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-08-03.1. EXHIBITION DRIVING AND DRAG RACING - DEFINITIONS - PENALTY.)

1. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area in a race, nor shall any person engage in a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section shall be assessed a fee of forty dollars.
2. As used in this section:
  - a. "Drag race" means the operation of two or more vehicles from a point side-by-side by accelerating rapidly in a competitive attempt to cause one

vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.

- b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.
  - c. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance, or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long distance driving route.
3. Nothing in this section shall be construed as prohibiting drag racing, exhibition driving, or similar events when carried out in an organized manner on a track or other privately owned area specifically set aside and used solely for such purposes by drivers of motor vehicles, including snowmobiles.

SECTION 19. AMENDMENT.) Section 39-08-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-07. DUTY UPON STRIKING UNATTENDED VEHICLE - PENALTY.) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. Any person violating this section is guilty of a class A misdemeanor.

SECTION 20. AMENDMENT.) Subsection 15 of section 40-05-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15. DRIVING WHILE INTOXICATED. To prohibit by ordinance the operation of any motor vehicle or other conveyance upon the streets, alleys, or other public or private areas to which the public has a right of access for vehicular use within the city by any person under the influence of intoxicating liquor or a controlled substance;



SECTION 21.) A new subsection to section 40-05-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

TRAFFIC VIOLATION HEARINGS. To enact an ordinance equivalent to section 39-06.1-04, provided that the penalty assessed shall not exceed that authorized by section 40-05-06.

Approved April 8, 1975

## CHAPTER 340

SENATE BILL NO. 2146  
(H. Christensen)

## DRIVING WITHOUT INSURANCE

AN ACT to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 and section 39-08-20 of the North Dakota Century Code, relating to point deduction for the offense of driving a motor vehicle without liability insurance and to driving a motor vehicle without liability insurance.

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

SECTION 1.) A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Operating a motor vehicle without                      2 points  
liability insurance, as required by  
section 39-08-20.

SECTION 2.) Section 39-08-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-08-20. DRIVING WITHOUT LIABILITY INSURANCE - VIOLATION.)  
No person shall drive a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of such vehicle in the amount required by chapter 39-16.1. No statutory fee shall be assessed for a violation of this section.

Approved March 27, 1975

## CHAPTER 341

SENATE BILL NO. 2184

(Committee on Transportation)

(At the request of the Highway Department)

## DRIVERS' LICENSE SUSPENSIONS

AN ACT to create and enact section 39-06.1-14 of the North Dakota Century Code, relating to the failure to surrender licenses; to amend and reenact subsection 5 of section 39-06.1-10, sections 39-06-35, 39-06.1-11, and 39-06-37 of the North Dakota Century Code, relating to the suspension, revocation, and cancellation of driver's licenses and permits, temporary restricted licenses, the period of suspension, and the surrender and return of license or permit; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 39-06-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-35. PERIOD OF SUSPENSION.) 1. The commissioner shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under section 39-06-43.

2. At the end of the period of suspension a license surrendered to the department under section 39-06-37 shall be returned to the licensee.

SECTION 2. AMENDMENT.) Section 39-06-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-37. SURRENDER AND RETURN OF LICENSE.) 1. The commissioner upon canceling, suspending, or revoking a license shall require that such license shall be surrendered to and be retained by the commissioner.

2. If any person fails immediately to return to the commissioner any license or permit which has been canceled, suspended, or revoked, the order of the commissioner shall authorize any highway patrolman or peace officer to secure possession thereof and return the same to the commissioner.

A suspension, revocation, or cancellation shall be deemed to have commenced when the order is delivered to the licensee at his address of record in the department. Constructive delivery under this section shall be considered as occurring forty-eight hours after proper deposit in the mails.

SECTION 3. AMENDMENT.) Subsection 5 of section 39-06.1-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. A suspension shall be deemed to have commenced when the order of suspension is delivered to the licensee at his address of record in the department. Constructive delivery under this section shall be considered as occurring forty-eight hours after proper deposit in the mails.

SECTION 4. AMENDMENT.) Section 39-06.1-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-11. TEMPORARY RESTRICTED LICENSE.) When the licensing authority has suspended a license, pursuant to section 39-06.1-10, or when the highway commissioner has revoked a license pursuant to section 39-20-04, for a period in excess of seven days, the authority may, for good cause, upon receiving written application from the licensee affected, issue a temporary restricted operator's license valid, after seven days of the suspension period have passed, for the remainder of the suspension period. The restricted license may authorize the use of a motor vehicle only during the licensee's normal working hours, or may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section shall be deemed a violation of section 39-06-17.

SECTION 5.) Section 39-06.1-14 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-06.1-14. FAILURE TO SURRENDER LICENSE.) The highway commissioner shall extend the period of suspension or revocation in all cases that involve a time period, within this title, when the person whose license or permit has been suspended or revoked fails to surrender such license or permit within forty-eight hours after constructive delivery of the order of suspension or revocation. Such period of suspension or revocation shall be extended by one day for each day such person fails to surrender such license.

SECTION 6. 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 9, 1975

## CHAPTER 342

SENATE BILL NO. 2064  
(H. Christensen, Gronhovd, Solberg)  
(From Legislative Council Study)

## DRIVING UNDER THE INFLUENCE

AN ACT to amend and reenact subsection 1 of section 39-08-01 of the North Dakota Century Code, relating to operating a motor vehicle under the influence of alcohol or drugs.

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

\* SECTION 1. AMENDMENT.) Subsection 1 of section 39-08-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. No person shall drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if:

- a. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug;
- b. He is under the influence of intoxicating liquor; or
- c. He is under the influence of any controlled substance to a degree which renders him incapable of safely driving.

Approved April 8, 1975

\*NOTE: Section 39-08-01 was also amended by section 434 of Senate Bill No. 2039, chapter 106.

## CHAPTER 343

SENATE BILL NO. 2065  
(Solberg, H. Christensen, Gronhovd)  
(From Legislative Council Study)

## PENALTIES FOR D.W.I.

AN ACT to amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to penalties for conviction of driving while under the influence of alcohol or drugs.

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

\* SECTION 1. AMENDMENT.) Subsection 2 of section 39-08-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. A person violating any provision of this section is guilty of a class B misdemeanor. The minimum penalty for such violation shall be either three days in jail or a fine of one hundred dollars, or both such fine and imprisonment. A second conviction for a violation occurring within eighteen months of a previous violation resulting in a prior conviction is a class B misdemeanor. The minimum penalty for such violation shall be imprisonment in the county jail for three days and a fine of one hundred fifty dollars. In the event the complaint does not include the allegation that, if convicted, such conviction would be the second such conviction as provided in this section, the court may take judicial notice of such fact if indicated by the records of the state highway department or make such finding based on other evidence.

Approved March 25, 1975

\*NOTE: Section 39-08-01 was also amended by section 434 of Senate Bill No. 2039, chapter 106.

## CHAPTER 344

SENATE BILL NO. 2445  
(Homuth, Maher, Lee)

## IMPOUNDMENT OF VEHICLES FOR DRIVING WHILE INTOXICATED

AN ACT to create and enact subsection 4 of section 39-08-01, and to amend and reenact section 39-06-42, all of the North Dakota Century Code, relating to the impoundment of motor vehicles following conviction of driving while license suspended or revoked or for driving while intoxicated.

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

SECTION 1. AMENDMENT.) Section 39-06-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*39-06-42. PENALTY FOR DRIVING WHILE LICENSE SUSPENDED OR REVOKED - IMPOUNDMENT OF VEHICLE - AUTHORITY OF CITIES.)

1. Except as provided in chapters 39-16 and 39-16.1, and in section 39-06.1-11, any person who drives a motor vehicle on any public highway of this state at a time when his license or privilege so to do is suspended or revoked shall be guilty of a class B misdemeanor. In addition to any other punishment imposed, the court may order the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff for the duration of the period of suspension or revocation, as the case may be, of the offender's driving license or privilege. The cost of the impoundment shall be borne by the offender, and if not paid within ten days after the end of the suspension or revocation period, the cost of impoundment shall become a lien against the previously impounded motor vehicle which shall be enforced by the sheriff as provided in section 35-01-29, with any money recovered being deposited in the county general fund.
2. A city may, by ordinance, authorize its municipal judge to order impoundment of vehicles in the manner provided in subsection 1 of this section.

SECTION 2.) Subsection 4 of section 39-08-01 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

\*NOTE: Section 39-06-42 was also amended by section 432 of Senate Bill No. 2039, chapter 106.

4. Upon conviction, the court may order the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or the chief law enforcement officer of the city, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority. The cost of the impoundment shall be borne by the offender, and if not paid within ten days after the end of the suspension period, the cost of the impoundment shall become a lien against the previously impounded motor vehicle which shall be enforced by the city or county in the same manner provided in section 35-01-29. Any moneys paid to the court under this section shall be deposited in the general fund of the city or county, as is appropriate.

Approved April 8, 1975



## CHAPTER 345

SENATE BILL NO. 2432  
(Barth)

### ACCIDENT REPORTS

AN ACT to amend and reenact section 39-08-09 of the North Dakota Century Code, to provide immediate notice and written report of an accident, and to increase the minimum amount of damage below which such report is not required.

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

SECTION 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 three hundred 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 state highway patrol. Within ten 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 April 8, 1975

## CHAPTER 346

HOUSE BILL NO. 1134  
(Committee on Transportation)  
(At the request of the Highway Department)

## SPEED LIMIT

AN ACT to amend and reenact subdivision 6 of subsection a and subsection b of section 39-09-02 and to repeal subsection e of section 39-09-02 of the North Dakota Century Code, relating to the establishment of a statutory speed limit of fifty-five miles per hour as mandated by the Congress of the United States, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subdivision 6 of subsection a of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Fifty-five miles an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

SECTION 2. AMENDMENT.) Subsection b of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. The highway commissioner may designate and post special areas of state highways where lower speed limits shall apply.

SECTION 3. REPEAL.) Subsection e of section 39-09-02 of the North Dakota Century Code is hereby repealed.

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

Approved February 17, 1975

## CHAPTER 347

SENATE BILL NO. 2067  
(Solberg, H. Christensen, Gronhovd)  
(From Legislative Council Study)

## RULES OF THE ROAD I

AN ACT to create and enact sections 39-10-07.1, 39-10-07.2, 39-10-26.1, 39-10-33.1, 39-10-33.2, 39-10-33.3, 39-10-33.4, and 39-10-33.5 of the North Dakota Century Code, relating to lane-direction-control signals, display of unauthorized signs, signals, and markings, highway construction and maintenance, pedestrians' rights-of-way on sidewalks, pedestrians yielding to authorized emergency vehicles, blind pedestrians' rights-of-way, pedestrians under the influence of alcohol or drugs, and bridge and railroad signals; to amend and reenact sections 39-10-05, 39-10-08, 39-10-14, 39-10-15, 39-10-16, 39-10-17, 39-10-26, 39-10-27, 39-10-29, 39-10-33, 39-10-34, 39-10-35, 39-10-36, 39-10-38, 39-10-43, and 39-10-64 of the North Dakota Century Code, relating to traffic-control signal legends, driving on the right side of the roadway, limitations on driving on the left side of the roadway, no-passing zones, one-way roadways and rotary traffic islands, driving on roadways laned for traffic, operation of vehicles on approach of authorized emergency vehicles, pedestrian obedience to traffic regulations, pedestrian crossing at other than crosswalks, pedestrians on roadways, pedestrians soliciting rides or business, required position and method of turning, prohibition of turn on curve or crest of grade, turning movements and required signals, vehicles required to stop at railroad crossings, and prohibition against driving through safety zone; and to repeal sections 24-09-06, 39-10-31, and 39-13-04 of the North Dakota Century Code, relating to vehicles carrying school children, passengers for hire, and explosives being required to stop at railroad crossings; protection of blind or incapacitated persons; and signs erected by unauthorized persons and signs containing advertising.

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

SECTION 1. AMENDMENT.) Section 39-10-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-05. TRAFFIC-CONTROL SIGNAL LEGEND.) Whenever traffic is controlled by traffic-control signals exhibiting

different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:

- a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady yellow indication:

- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. Steady red indication:

- a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until

an indication to proceed is shown, except as provided for in subdivision b of this subsection.

- b. Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right after stopping as required by subdivision c of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
  - c. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

SECTION 2.) Section 39-10-07.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-07.1. LANE-DIRECTION-CONTROL SIGNALS.) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

SECTION 3.) Section 39-10-07.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-07.2. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS.)

1. No person shall place, maintain, or display upon or in view of any highway, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.
2. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

3. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
4. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice when located on highway right-of-way.

SECTION 4. AMENDMENT.) Section 39-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-08. DRIVE ON RIGHT SIDE OF ROADWAY - EXCEPTIONS.)

1. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
  - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
  - b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
  - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
  - d. Upon a roadway restricted to one-way traffic.
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.
3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or

except as permitted under subdivision b of subsection 1 hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

SECTION 5. AMENDMENT.) Section 39-10-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-14. FURTHER LIMITATIONS ON DRIVING ON LEFT OF CENTER OF ROADWAY.)

1. No vehicle shall be driven to the left side of the roadway under the following conditions:
  - a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
  - b. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or
  - c. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.
2. The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in section 39-10-08, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

SECTION 6. AMENDMENT.) Section 39-10-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-15. NO-PASSING ZONES.)

1. The state highway commissioner and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
2. Where signs or markings are in place to define a no-passing zone as set forth in subsection 1, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any

pavement striping designed to mark such no-passing zone throughout its length.

3. This section does not apply under the conditions described in section 39-10-08 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

SECTION 7. AMENDMENT.) Section 39-10-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-16. ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.)

1. The state highway commissioner and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.
2. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or at such times as shall be indicated by official traffic-control devices.
3. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

SECTION 8. AMENDMENT.) Section 39-10-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows;

39-10-17. DRIVING ON ROADWAYS LANED FOR TRAFFIC.) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
2. Upon a roadway which is divided into three lanes and provides for two-way traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
3. Official traffic-control devices may be erected direct-



ing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

4. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

SECTION 9. AMENDMENT.) Section 39-10-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-26. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.)

1. Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bell, siren, or exhaust whistle and displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer.
3. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION 10.) Section 39-10-26.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-26.1. HIGHWAY CONSTRUCTION AND MAINTENANCE.)

1. The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

2. The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway wherever such vehicle displays flashing lights meeting the requirements of section 39-21-28.

SECTION 11. AMENDMENT.) Section 39-10-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-27. PEDESTRIAN OBEDIENCE TO TRAFFIC-CONTROL DEVICES AND TRAFFIC REGULATIONS.)

1. A pedestrian shall obey the instructions of any official traffic-control device specially applicable to him, unless otherwise directed by a police officer.
2. Pedestrians shall be subject to traffic and pedestrian-control signals as provided for in sections 39-10-05 and 39-10-06.

SECTION 12. AMENDMENT.) Section 39-10-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows: .

39-10-29. CROSSING AT OTHER THAN CROSSWALKS.)

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
3. Between adjacent intersections at which traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.
4. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

SECTION 13. AMENDMENT.) Section 39-10-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-33. PEDESTRIANS ON ROADWAYS.)

1. Where a sidewalk is provided and its use is practicable,

it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

2. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
3. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
4. Except as otherwise provided for in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

SECTION 14.) Section 39-10-33.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-33.1. PEDESTRIANS' RIGHT-OF-WAY ON SIDEWALKS.) The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

SECTION 15.) Section 39-10-33.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-33.2. PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES.)

1. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal by bell, siren, or exhaust whistle and displaying a visible flashing, revolving, or rotating blue, white, or red light, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.
2. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

SECTION 16.) Section 39-10-33.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-33.3. BLIND PEDESTRIAN RIGHT-OF-WAY.) The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

SECTION 17. Section 39-10-33.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-33.4. PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS.) A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a roadway.

SECTION 18.) Section 39-10-33.5 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-33.5. BRIDGE AND RAILROAD SIGNALS.) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

SECTION 19. AMENDMENT.) Section 39-10-34 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-34. PEDESTRIANS SOLICITING RIDES OR BUSINESS.)

1. No person shall stand in a roadway for the purpose of soliciting a ride.
2. No person shall stand in a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
3. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

SECTION 20. AMENDMENT.) Section 39-10-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-35. REQUIRED POSITION AND METHOD OF TURNING.) The driver of a vehicle intending to turn shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
2. Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
3. The state highway commissioner and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require

and direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed, no driver of a vehicle shall turn it other than as directed and required by such devices.

SECTION 21. AMENDMENT.) Section 39-10-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-36. LIMITATIONS ON TURNING AROUND.)

1. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.
2. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

SECTION 22. AMENDMENT.) Section 39-10-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-38. TURNING MOVEMENTS AND REQUIRED SIGNALS.)

1. No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided.
2. A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.
3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
4. The signals required on vehicles by subsection 2 of section 39-10-39 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

SECTION 23. AMENDMENT.) Section 39-10-43 of the North

Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-43. CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS.)

1. The driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit, cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks.
2. No stop need be made at any such crossing at which traffic is controlled by a police officer.

SECTION 24. AMENDMENT.) Section 39-10-64 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-64. DRIVING THROUGH SAFETY ZONE PROHIBITED.) No vehicle shall at any time be driven through or within a safety zone.

SECTION 25. REPEAL.) Sections 24-09-06 and 39-13-04 of the North Dakota Century Code, and section 39-10-31 of the 1973 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 7, 1975

## CHAPTER 348

SENATE BILL NO. 2068

(Solberg, Gronhøvd)

(From Legislative Council Study)

## RULES OF THE ROAD II

AN ACT to create and enact chapters 39-10.1 and 39-10.2 of the North Dakota Century Code, relating to bicycle and motorcycle laws; to create and enact sections 39-09-04.1, 39-10-52.1, 39-10-52.2, 39-10-68, 39-10-69, 39-10-70, and 39-10-71 of the North Dakota Century Code, relating to special speed limitations, driving on sidewalks, riding in house trailers, stopping when traffic is obstructed, charging violations and rule in civil actions, racing on highways, and fleeing or attempting to elude a police officer; to amend and reenact sections 39-10-02.1, 39-10-21, 39-10-47, 39-10-48, 39-10-50, 39-18-04, and 39-18-05 of the North Dakota Century Code, relating to speed limits on bridges, causeways, and viaducts, persons riding bicycles or animals or driving animal-drawn vehicles, restrictions on use of controlled-access highways, stopping, standing, or parking outside of business or residence districts, officers authorized to remove illegally stopped vehicles, additional parking regulations, safety devices and requirements, and size of mobile homes on roadways and oversize permits; and to repeal sections 39-09-05, 39-10-53, 39-10-60, 39-10-61, 39-10-62, 39-10-63, 39-10-63.1, 39-21-48, and 39-21-49 of the North Dakota Century Code, relating to driving faster than posted speed on a bridge, causeway, or viaduct, riding on motorcycles, riding on bicycles, clinging to vehicles, riding on roadways and bicycle paths, carrying articles on bicycles, lamps, and other equipment on bicycles, crash helmets required for operators of and passengers on motorcycles, and limitation on number of riders on motorcycles.

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

SECTION 1.) Section 39-09-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-09-04.1. SPECIAL SPEED LIMITATIONS.)

1. No person shall drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten miles per hour.

2. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained without hazard to such bridge or structure, when such structure is signposted as provided in this section.
3. The commissioner or other authority having jurisdiction may conduct an investigation of any public bridge, causeway, or viaduct and if he finds that such structure cannot safely withstand the traveling of vehicles at the speed otherwise permissible under this chapter, such commissioner or other authority shall determine and declare the maximum speed of vehicles such structure can withstand. The commissioner or other authority shall cause or permit signs to be erected and maintained at a distance of one hundred feet from each end of such structure. Such signs shall state the maximum speed permissible over such structure. The findings and determination of the commissioner or other authority shall be conclusive evidence of the maximum speed which can be maintained without hazard to any such structure.

SECTION 2. AMENDMENT.) Section 39-10-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-02.1. PERSONS RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES.) In addition to any special regulations, any person riding an animal, or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions which by their very nature can have no application.

SECTION 3. AMENDMENT.) Section 39-10-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-21. RESTRICTIONS ON USE OF CONTROLLED-ACCESS ROADWAY.) The state highway commissioner may by order, and local authorities may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by any class or kind of traffic which is found incompatible with the normal and safe movement of traffic.

The state highway commissioner or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access roadway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

SECTION 4. AMENDMENT.) Section 39-10-47 of the North Dakota Century Code is hereby amended and reenacted to read as follows:



39-10-47. STOPPING, STANDING, OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICTS.)

1. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway of not less than twelve feet opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway.
2. Sections 39-10-47, 39-10-49, and 39-10-50 shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

SECTION 5. AMENDMENT.) Section 39-10-48 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-48. OFFICERS AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLES.)

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 39-10-47, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.
2. Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
3. Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
  - a. A report has been made that such vehicle has been stolen or taken without the consent of its owner;
  - b. The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
  - c. When the person driving or in control of such vehicle is arrested for an alleged offense for which

the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

SECTION 6. AMENDMENT.) Section 39-10-50 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-50. ADDITIONAL PARKING REGULATIONS.)

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
3. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway without first obtaining the written authorization of the state highway commissioner.
4. The state highway department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

SECTION 7.) Section 39-10-52.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-52.1. DRIVING UPON SIDEWALK.) No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

SECTION 8.) Section 39-10-52.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-52.2. RIDING IN HOUSE TRAILERS.) No person shall be on or inside a house trailer while it is being moved upon a public highway. Such prohibition shall not apply to fifth-wheel vehicles, which are defined as mobile homes, mounted on single or tandem axles, coupled by a fifth-wheel hitch to and pivoting on a mount located immediately above or in front of the rear axle of a motor vehicle other than a passenger car.

SECTION 9.) Section 39-10-68 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-68. STOP WHEN TRAFFIC OBSTRUCTED.) No driver shall enter any intersection or a marked crosswalk or drive onto a railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

SECTION 10.) Section 39-10-69 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-69. CHARGING VIOLATIONS AND RULE IN CIVIL ACTIONS.)

1. In every charge of violation of any speed regulation, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven, and also the maximum speed applicable within the district or at the location.
2. The provision in this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of the accident.

SECTION 11.) Section 39-10-70 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-70. RACING ON HIGHWAYS.)

1. No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.
2. Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds

or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

3. Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.
4. Any person convicted of violating this section shall be punished for reckless driving as provided in section 39-08-03.
5. This section shall not be interpreted to prohibit racing on race tracks which have been constructed for the purpose of holding racing competition nor to prohibit racing on drag strips constructed or set apart for that purpose.

SECTION 12.) Section 39-10-71 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-71. FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER.) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class B misdemeanor. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

SECTION 13.) Chapter 39-10.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10.1-01. EFFECT OF REGULATIONS.)

1. It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter. Any person who violates any of the provisions of this chapter may be assessed a fee not to exceed five dollars.
2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
3. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

39-10.1-02. TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.)

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this title and except as to those provisions of this title which by their nature can have no application.

39-10.1-03. RIDING ON BICYCLES.)

1. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

39-10.1-04. CLINGING TO VEHICLES.) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway, except a sled being pulled by a snowmobile.

39-10.1-05. RIDING ON ROADWAYS AND BICYCLE PATHS.)

1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
2. Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.
3. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

39-10.1-06. CARRYING ARTICLES.) No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

39-10.1-07. LAMPS AND OTHER EQUIPMENT ON BICYCLES.)

1. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the motor vehicle department. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.
2. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

39-10.1-08. POINT SYSTEM NOT APPLICABLE.) Any violation of the provisions of this chapter, or any moving violation as defined in section 39-06.1-09, or any nonmoving violation as defined in section 39-06.1-08 when committed on a bicycle as defined in section 39-09-01, shall not be cause for the licensing authority to assess points against the driving record of the violator pursuant to section 39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation shall be applicable to bicyclists.

SECTION 14.) Chapter 39-10.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10.2-01. TRAFFIC LAWS APPLY TO PERSONS OPERATING MOTORCYCLES.) Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations in this chapter and except as to those provisions of this title which by their nature can have no application.

39-10.2-02. RIDING ON MOTORCYCLES.)

1. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
2. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
3. No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.
4. No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

39-10.2-03. OPERATING MOTORCYCLES ON ROADWAYS LANED FOR TRAFFIC.)

1. All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to the operation of motorcycles two abreast in a single lane as authorized in subsection 4.

2. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
3. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
4. Motorcycles shall not be operated more than two abreast in a single lane.
5. Subsections 2 and 3 shall not apply to police officers in the performance of their official duties.

39-10.2-04. CLINGING TO OTHER VEHICLES.) No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

39-10.2-05. FOOTRESTS.) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

39-10.2-06. EQUIPMENT FOR MOTORCYCLE RIDERS.)

1. No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the motor vehicle department, except when participating in a lawful parade.
2. This section shall not apply to persons riding within an enclosed cab or on a golf cart.

39-10.2-07. OTHER APPLICABLE LAW.) All of the provisions of chapter 39-06.1 pertaining to the disposition of traffic offenses shall apply to this chapter, and sections 39-10.2-02 through 39-10.2-04 shall be considered moving violations within the definition in section 39-06.1-09.

SECTION 15. AMENDMENT.) Section 39-18-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-04. SAFETY DEVICES AND REQUIREMENTS.) Any new mobile home sold in the state of North Dakota and licensed under the provisions of this chapter shall be equipped with combination taillight and stop light controlled and operated from the driver's seat of the propelling vehicle; such mobile home shall further be equipped with brakes approved by the motor vehicle department of the state of North Dakota, designed and capable of bringing to a stop such vehicle and mobile home within a distance of fifty feet when operated at a speed of twenty miles per hour. No person shall drive any mobile home on the highways of this state unless the propelling vehicle shall be able to stop within the distance and in the manner prescribed herein.

Any new mobile home sold in the state of North Dakota and

licensed under the provisions of this chapter shall be equipped with a hitch or coupler which will comply with the regulations as established by the interstate commerce commission.

SECTION 16. AMENDMENT.) Section 39-18-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-05. 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 sixty 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 home shall be considered "good cause".

1. For good cause shown therefor, the state highway department may, at its 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 therefor, the state highway department may 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 three-fourths ton or larger truck with dual wheels, and that no annual permits shall be issued for movement of mobile homes exceeding overall dimensions of one hundred and twenty inches wide, plus safety equipment, if required.
3. No oversize permits shall be valid during period of sunset to sunrise or during period of twelve o'clock noon Saturday to sunrise Monday or on holidays of New Year's, 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 fifty-five miles per hour. No mobile home shall be moved unless such movement is covered by liability insurance in the amount of at least one hundred thousand dollars



for bodily injury liability for one person, at least three hundred thousand dollars for bodily injury liability for one accident, and at least twenty thousand dollars property damage liability.

SECTION 17. REPEAL.) Sections 39-09-05, 39-10-53, 39-10-60, 39-10-61, 39-10-62, 39-10-63, 39-10-63.1, 39-21-48, and 39-21-49 of the North Dakota Century Code are hereby repealed.

Approved March 7, 1975

## CHAPTER 349

SENATE BILL NO. 2069  
(Solberg, Gronhovd)  
(From Legislative Council Study)

## RULES OF THE ROAD III

AN ACT to create and enact sections 39-10-01.1 and 39-10-07.3 of the North Dakota Century Code, relating to required obedience to traffic laws, interference with official traffic-control devices or railroad signs or signals, and moving heavy equipment at railroad grade crossings; to amend and reenact section 24-01-14, subsection 1 of section 39-01-01, sections 39-01-08, 39-07-05, 39-08-03, 39-08-08, 39-08-17, 39-09-01, 39-09-03, 39-09-04, 39-09-09, 39-10-01, 39-10-02, 39-10-04, 39-10-06, 39-10-07, 39-10-11, 39-10-12, 39-10-13, 39-10-18, 39-10-19, 39-10-22, 39-10-23, 39-10-24, 39-10-25, 39-10-28, 39-10-30, 39-10-39, 39-10-42, 39-10-45, 39-10-46, 39-10-52, 39-10-54.1, 39-10-55, 39-10-56, 39-10-57, 39-10-58, and 39-13-03 of the North Dakota Century Code, relating to determination of speed, definitions within Title 39, insurance on vehicles owned by the state and political subdivisions of the state, applicability of chapters 39-08 through 39-13, the penalty for reckless driving, duty of driver upon striking fixtures upon a highway, reporting of traffic convictions, care required in operating a vehicle, local authorities setting speed limitations, speed limits on bridges, causeways, and viaducts, minimum speed limits, provisions of chapter referring to vehicles upon the highways, obedience to police officers, obedience to and required traffic-control devices, pedestrian control signals, flashing signals, overtaking a vehicle on the left, overtaking on the right, following too closely, driving on divided highways, vehicle approaching or entering intersection, vehicle turning left, vehicle entering stop or yield intersection, vehicle entering highway from private road or turning left to enter private road, pedestrian right-of-way in crosswalks, drivers to exercise due care, signals and signal lamps, all vehicles to stop at certain railroad crossings, emerging from alley, driveway, or building, overtaking and passing school bus, limitations on backing, opening and closing vehicle doors, driving on mountain highways, coasting prohibited, following fire apparatus prohibited, crossing fire hose, enforceability of local parking regulations where signs are not legible or not in proper position; and to repeal sections 39-07-04 and 39-09-08 of the North Dakota Century Code, relating to powers of local authorities and regulation of speed control signs.

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

SECTION 1. AMENDMENT.) Section 24-01-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-<sup>14</sup>14. SPEED RESEARCH. The commissioner may conduct investigations, research, and analysis of speed limits on any highway.

SECTION 2. AMENDMENT.) Subsection 1 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Authorized emergency vehicles:

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 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; and
- (6) Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency;

b. Class B authorized emergency vehicles shall mean wreckers and such other emergency vehicles as are authorized by the local authorities; and

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

SECTION 3. 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 - WAIVER OF IMMUNITY TO EXTENT ONLY OF INSURANCE PURCHASED.)

1. The state of North Dakota or any department, agency, or bureau, as well as any county, city, or other political subdivision including townships, school and park districts using or operating motor vehicles and aircrafts, are hereby authorized to carry insurance for their own protection and for the protection of any employees from claims for loss or damage arising out of or by reason of the use or operation of such motor vehicle or aircraft, whether such vehicle or aircraft at the time the loss or damage in question occurred was being operated in a governmental undertaking or otherwise. 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. If insurance is purchased pursuant to subsection 1, then the purchaser waives its immunity to suit only to the extent of allowing a determination of liability to the extent of the waiver of the immunity against liability described in subsection 3.
3. If insurance is purchased pursuant to subsection 1, then the purchaser waives its immunity against liability only to the types of its insurance coverage and only to the extent of the policy limits of such coverage.
4. If any dispute exists concerning the amount or nature of the insurance coverage, the dispute shall be tried separately before the main trial determining the claims and damages of the claimant.
5. This statute confers no right for a claimant to sue the insurer directly.
6. When liability insurance is carried pursuant to this section or pursuant to section 40-43-07, no defense in a negligence action shall be raised by the insurance carrier upon the basis of section 39-07-05.

SECTION 4. AMENDMENT.) Section 39-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-05. PERSONS WORKING ON HIGHWAYS - EXCEPTIONS.) Unless specifically made applicable, the provisions of chapters 39-08, 39-09, 39-10, and 39-12, except sections 39-08-01, 39-08-03, and 39-08-19, shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon a highway, but shall apply to such persons and vehicles when traveling to or from such work.

SECTION 5. AMENDMENT.) Section 39-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-03. RECKLESS DRIVING - AGGRAVATED RECKLESS DRIVING - PENALTY.) Any person shall be guilty of reckless driving if he drives a vehicle:

1. Recklessly in disregard of the rights or safety of others; or
2. Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.

Except as otherwise herein provided, any person violating the provisions of this section shall be guilty of a class B misdemeanor. Any person who, by reason of reckless driving as herein defined, causes and inflicts injury upon the person of another, shall be guilty of aggravated reckless driving, and shall be guilty of a class A misdemeanor.

SECTION 6. AMENDMENT.) Section 39-08-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-08. DUTY UPON STRIKING HIGHWAY FIXTURES OR OTHER PROPERTY.) The driver of any vehicle involved in an accident resulting only in damage to highway fixtures or other property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 39-08-09.

SECTION 7. AMENDMENT.) Section 39-08-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-17. MAGISTRATES TO REPORT CONVICTIONS TO HIGHWAY COMMISSIONER.) Every magistrate in this state shall make a full and complete report to the commissioner within ten days after any person has been convicted of reckless driving or of driving a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or of failure to stop in event of an accident involving injury or death to any person.

SECTION 8. AMENDMENT.) Section 39-09-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-01. BASIC RULE.) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of

weather or highway conditions. Any person who shall drive a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles without heed to the requirements or restrictions of this section shall have committed careless driving, and shall be assessed a fee of thirty dollars.

SECTION 9. AMENDMENT.) Section 39-09-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-03. WHEN LOCAL AUTHORITIES MAY OR SHALL ALTER MAXIMUM SPEED - LIMITS - SIGNS POSTED.)

1. Whenever local authorities in their respective jurisdictions, on the basis of an engineering and traffic investigation, determine that the maximum speed permitted under this title is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:
  - a. Decreases the limit at intersections;
  - b. Increases the limit within an urban district but not to more than fifty-five miles per hour; or
  - c. Decreases the limit outside an urban district, but not to less than thirty-five miles per hour.
2. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.
3. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
4. Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the state highway commissioner.
5. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles per hour.

SECTION 10. AMENDMENT.) Section 39-09-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-04. ALTERATION OF MAXIMUM SPEED LIMITS ON STATE HIGHWAYS.) The maximum speed limits specified in section 39-09-02 may be altered on all or any part of the state highway system by an administrative order by the commissioner after a public hearing has been held. Such determination shall be based on engineering and traffic investigations with primary consideration given to the establishment of reasonable and safe speeds, highway conditions, enforcement, and the general welfare. Speed limits established pursuant to this section shall be effective only when appropriate signs giving notice thereof are erected and such maximum speed limits may be declared to be effective at all times or at such times as are indicated upon said signs. Differing limits may be established for different times of the day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

SECTION 11. AMENDMENT.) Section 39-09-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-09. MINIMUM SPEED LIMITS.)

1. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
2. Whenever the state highway commissioner and the superintendent of the highway patrol, acting jointly, or local authorities within their respective jurisdictions, determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the commissioner and superintendent or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

SECTION 12. AMENDMENT.) Section 39-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-01. PROVISIONS OF CHAPTER REFER TO VEHICLES UPON THE HIGHWAYS - EXCEPTIONS.) The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of the laws of this state, or equivalent ordinances, relating to reporting of accidents or crashes in which a motor vehicle is involved,

reckless or aggravated reckless driving, driving while under the influence of intoxicating liquor or controlled substances, manslaughter or homicide or negligent homicide resulting from the operation of a motor vehicle, any felony in the commission of which a motor vehicle is used, and fleeing or attempting to elude a police officer shall apply upon highways and elsewhere throughout the state.

SECTION 13.) Section 39-10-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-01.1. REQUIRED OBEDIENCE TO TRAFFIC LAWS.) It is unlawful and, unless otherwise declared in this chapter or in chapter 39-06.1 with respect to particular offenses, it is a class B misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

SECTION 14. AMENDMENT.) Section 39-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-02. OBEDIENCE TO POLICE OFFICERS OR FIREMEN.) No person shall willfully refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control, or regulate traffic.

SECTION 15. AMENDMENT.) Section 39-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-04. OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES.)

1. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.
2. No provision of this chapter for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that devices are required, such statute shall be effective even though no devices are erected or in place.
3. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.



4. Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

SECTION 16. AMENDMENT.) Section 39-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-06. PEDESTRIAN CONTROL SIGNALS.) Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

1. "Walk": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and
2. "Don't Walk": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

SECTION 17. AMENDMENT.) Section 39-10-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-07. FLASHING SIGNALS.)

1. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:
  - a. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  - b. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching

railroad grade crossings shall be governed by the rules as set forth in section 39-10-41.

SECTION 18.) Section 39-10-07.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-07.3. INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

SECTION 19. AMENDMENT.) Section 39-10-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-11. OVERTAKING A VEHICLE ON THE LEFT.) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 20. AMENDMENT.) Section 39-10-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-12. WHEN OVERTAKING ON THE RIGHT IS PERMITTED.)

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - a. When the vehicle overtaken is making or about to make a left turn; or
  - b. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

SECTION 21. AMENDMENT.) Section 39-10-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-13. LIMITATIONS ON OVERTAKING ON THE LEFT.) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

SECTION 22. AMENDMENT.) Section 39-10-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-18. FOLLOWING TOO CLOSELY.)

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway;
2. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles; and
3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

SECTION 23. AMENDMENT.) Section 39-10-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-19. DRIVING ON DIVIDED HIGHWAYS.) Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic,

every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established by public authority, unless such crossing is specifically prohibited and such prohibition is indicated by appropriate traffic-control devices.

SECTION 24. AMENDMENT.) Section 39-10-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-22. VEHICLE APPROACHING OR ENTERING INTERSECTION.)

1. When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right; and
2. The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter.

SECTION 25. AMENDMENT.) Section 39-10-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-23. VEHICLE TURNING LEFT.) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

SECTION 26. AMENDMENT.) Section 39-10-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-24. STOP SIGNS AND YIELD SIGNS.)

1. Preferential right-of-way may be indicated by stop signs or yield signs as authorized in section 39-07-03.
2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

SECTION 27. AMENDMENT.) Section 39-10-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-25. VEHICLE ENTERING ROADWAY.) The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

SECTION 28. AMENDMENT.) Section 39-10-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-28. PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS.)

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger;
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard;
3. Subsection 1 of this section shall not apply under the conditions stated in subsection 2 of section 39-10-29; and
4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SECTION 29. AMENDMENT.) Section 39-10-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-30. DRIVERS TO EXERCISE DUE CARE.) Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused, incapacitated, or intoxicated person.

SECTION 30. AMENDMENT.) Section 39-10-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-39. SIGNALS BY HAND AND ARM OR SIGNAL LAMPS.)

1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection 2 of this section.
2. Any motor vehicle in use on a highway shall be equipped with, and required signals shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

SECTION 31. AMENDMENT.) Section 39-10-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-42. ALL VEHICLES MUST STOP AT CERTAIN RAILROAD GRADE CROSSINGS.) The state highway department and local authorities, with respect to highways under their respective jurisdiction, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

SECTION 32. AMENDMENT.) Section 39-10-45 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-45. EMERGING FROM ALLEY, DRIVEWAY, PRIVATE ROAD, OR BUILDING.) The driver of a vehicle emerging from an alley, driveway, private road, or building within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley,

building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

SECTION 33. AMENDMENT.) Section 39-10-46 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-46. OVERTAKING AND PASSING SCHOOL BUS.)

1. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop the vehicle before reaching such school bus when there is in operation on said school bus the flashing red lights specified in section 39-21-18, and said driver shall not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the flashing red lights are no longer actuated.
2. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school sanctioned activity, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.
3. Every school bus shall be equipped with red visual signals meeting the requirements of section 39-21-18, which may be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:
  - a. On city streets on which the receiving or discharging of school children is prohibited by ordinance;
  - b. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
  - c. In designated school bus loading areas where the bus is entirely off the roadway.
4. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

SECTION 34. AMENDMENT.) Section 39-10-52 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

## 39-10-52. LIMITATIONS ON BACKING.)

1. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
2. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

SECTION 35. AMENDMENT.) Section 39-10-54.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-54.1. OPENING AND CLOSING VEHICLE DOORS.) No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 36. AMENDMENT.) Section 39-10-55 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-55. DRIVING ON MOUNTAIN HIGHWAYS.) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway.

SECTION 37. AMENDMENT.) Section 39-10-56 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

## 39-10-56. COASTING PROHIBITED.)

1. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.
2. The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

SECTION 38. AMENDMENT.) Section 39-10-57 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-57. FOLLOWING FIRE APPARATUS PROHIBITED.) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm.



SECTION 39. AMENDMENT.) Section 39-10-58 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-58. CROSSING FIRE HOSE.) No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

SECTION 40. AMENDMENT.) Section 39-13-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-13-03. LOCAL PARKING REGULATIONS NOT ENFORCEABLE WHERE SIGN ILLEGIBLE OR NOT IN PROPER POSITION.) Local parking and other special regulations shall not be enforceable against an alleged violator if, at the time and place of the alleged violation, an appropriate sign giving notice thereof is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

SECTION 41. REPEAL.) Sections 39-07-04 and 39-09-08 of the North Dakota Century Code are hereby repealed.

Approved April 8, 1975

## CHAPTER 350

HOUSE BILL NO. 1073  
(Rundle)

## HAY GRINDERS

AN ACT to amend and reenact subdivision f of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to size, width, and height restrictions on vehicles.

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

SECTION 1. AMENDMENT.) Subdivision f of subsection 1 of section 39-12-04 of the 1973 supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- f. Overwidth self-propelled fertilizer spreaders and hay grinders if the owners have seasonal permits with such restrictions as required by the commissioner, which shall be obtained from the commissioner upon filing proof of liability insurance coverage in an amount of not less than fifty thousand dollars and the payment of a permit fee of fifteen dollars.

Approved March 9, 1975

## CHAPTER 351

SENATE BILL NO. 2208  
(Committee on Transportation)  
(At the request of the Highway Department)

## WEIGHT LIMITATIONS

AN ACT to amend and reenact subsection 2 of section 39-12-05.1 of the North Dakota Century Code, relating to weight limitations for vehicles on designated highways; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 39-12-05.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Subject to the limitations imposed by the above subsection on tires, wheel, and axle loads, no vehicle or combinations of vehicles shall be operated whose gross weight exceeds that determined by the formula of:

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

where W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under consideration. Such gross weight limitations shall not apply to such equipment as the state highway commissioner or his agents may approve for exemption.

SECTION 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, 1975

## CHAPTER 352

SENATE BILL NO. 2155  
(Committee on Transportation)  
(At the request of the Highway Department)

## IMPOUNDING OVERWEIGHT VEHICLES

AN ACT to amend and reenact section 39-12-11 of the North Dakota Century Code, relating to the impoundment of overweight vehicles.

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

SECTION 1. AMENDMENT.) Section 39-12-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-11. IMPOUNDING OVERWEIGHT VEHICLES.) Any vehicle found to have been moved or used upon any highway, street, or road in this state at a weight exceeding the limitations as specified in any order, ordinance, or resolution issued under the provisions of section 39-12-03 or as limited by the provisions of section 39-12-05 or 39-12-05.1, may be impounded by any peace officer and taken to a warehouse or garage for storage.

Approved March 19, 1975

## CHAPTER 353

SENATE BILL NO. 2126  
(Committee on Transportation)  
(At the request of the Highway Department)

### UNIFORM TRAFFIC CONTROL DEVICES

AN ACT to provide for uniformity and control of traffic control devices, including markings, signs, and signals, used on all streets and highways, in accordance with national standards; to prohibit the manufacture or sale of nonconforming devices; and to repeal sections 24-01-08, 24-01-09, 24-01-09.1, 24-01-09.2, and 39-13-02 of the North Dakota Century Code.

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

SECTION 1. AUTHORITY TO ADOPT MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.) The state highway commissioner shall adopt a manual and specifications for a uniform system of traffic control devices, consistent with the provisions of law, for use upon all highways and streets in this state. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the manual promulgated as a national standard by the Federal Highway Administrator.

SECTION 2. UNIFORM TRAFFIC CONTROL DEVICES ON ALL STREETS AND HIGHWAYS.) No traffic control devices, including markings, signs, and signals, shall be used on any street or highway which do not conform to the standards of design and location as prescribed in the manual and specifications for a uniform system of traffic control devices. The state highway commissioner and local authorities, on streets and highways under their respective jurisdiction, shall place such devices as are deemed necessary to regulate, warn, and guide traffic.

SECTION 3. NO TRAFFIC CONTROL DEVICES TO BE MANUFACTURED OR SOLD WHICH DO NOT CONFORM.) No person, firm, or corporation shall sell or offer for sale to street and highway authorities, and no such authorities shall purchase or manufacture, any traffic control device which does not conform to the manual unless specifically approved by the state highway commissioner.

SECTION 4. REPEAL.) Sections 24-01-08, 24-01-09, 24-01-09.1, 24-01-09.2, and 39-13-02 of the North Dakota Century Code are hereby repealed.

Approved March 27, 1975

## CHAPTER 354

HOUSE BILL NO. 1576  
(Langley, Rau)

### PROOF OF FINANCIAL RESPONSIBILITY AFTER REVOCATION

AN ACT to amend and reenact subsection 1 of section 39-16.1-07 of the North Dakota Century Code, relating to proof of financial responsibility upon certain revocations of drivers' licenses.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 39-16.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Whenever the commissioner under any other law of this state, except subsections 1 through 6 of section 39-06-40 and section 39-06-40.1, revokes the license of any person, such license shall remain revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, unless and until he shall give and thereafter maintain proof of financial responsibility.

Approved April 8, 1975

## CHAPTER 355

SENATE BILL NO. 2484  
(Morgan)

## LIMITATIONS ON UNSATISFIED JUDGMENT FUND LIABILITY

AN ACT to amend and reenact subsection 2 of section 39-17-07 of the North Dakota Century Code, relating to limitations on the amount payable from the unsatisfied judgment fund.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 39-17-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The amount authorized to be paid shall be within the limits provided by this section, and shall be determined as follows:
  - a. If the judgment creditor has effected collection of a portion of the judgment from any source, except as provided for in subdivisions b and c of this subsection, the fund is authorized to pay him the difference between the amount collected and the amount of the judgment, or ten thousand dollars, whichever is smaller. Provided, if the judgment creditor or creditors have collected an amount equal to the limits payable from the fund from the insurance or nonexempt assets of the judgment debtor, then they are precluded from recovery from the fund.
  - b. If the judgment creditor has effected collection of a portion of the judgment from payment from the workmen's compensation bureau, then the amount collected from that source shall be subtracted from the judgment before the procedure outlined in subdivision a of this subsection is followed.
  - c. If the judgment creditor was covered by an uninsured motorist insurance policy at the time of the accident, then the maximum liability limit of that policy must first be subtracted from the judgment before the procedure outlined in subdivision a of this subsection is followed. Provided, if the maximum liability limit of the policy is equal to the limits payable from the fund, then no recovery from the fund shall be allowed.

Approved March 14, 1975

## CHAPTER 356

SENATE BILL NO. 2087  
(Stroup)

## UNSATISFIED JUDGMENT FUND INTEREST RATE

AN ACT to amend and reenact sections 39-17-10 and 47-14-05 of the North Dakota Century Code, relating to the interest rate on moneys due to the unsatisfied judgment fund and to the legal rate of interest when the rate is not otherwise specified.

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

SECTION 1. AMENDMENT.) Section 39-17-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-17-10. AMOUNT TO BE REPAYED BEFORE PRIVILEGES RESTORED - INTEREST - INSTALLMENT PAYMENTS PERMISSIBLE - COMPROMISE OF AMOUNT DUE.) Where the driver's license or driving privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or revoked pursuant to the laws of this state, and the state treasurer has paid from the fund any amount toward the satisfaction of a judgment and costs recovered against such person, the suspension or revocation shall not be removed, nor the driver's license or driving privileges or registration restored, nor any new license or driving privilege issued or granted to or registration be permitted to be made by such person until he has repaid in full to the state treasurer the amount so paid from such fund, together with interest thereon at the rate of six percent per annum from the date of such payment; and has furnished proof of financial responsibility as required by the laws of this state; provided that the court in which such judgment was rendered, may, upon ten days' notice to the attorney general, make an order permitting payment of the amount which such person is indebted to the fund, to be paid in installments, and in such case, such person's driver's license, or his driving privileges, or registration privileges, if the same have been suspended or revoked, or have expired, may be restored and shall remain in effect until and unless such person defaults, in making any installment payment specified in such order. In the event of any such default, the commissioner shall, upon notice of such default, suspend such person's driver's license, or driving privileges, or registration privileges until the amount of default has been paid in full and the additional sum of two hundred dollars has been paid to the fund to be applied to the judgment, providing that the judgment debtor may petition the court



in which the judgment was rendered for a compromise of the judgment. The court in its discretion, upon notice to the attorney general, may order a compromise if the court is satisfied that such a compromise would be in the interests of justice and that the fund would benefit therefrom. Upon payment in full of such compromised amount the attorney general shall issue a satisfaction of judgment to the judgment debtor. In no case shall a compromise be ordered which is less than five hundred dollars or twenty percent of the judgment, whichever amount is greater.

SECTION 2. AMENDMENT.) Section 47-14-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-14-05. LEGAL RATE OF INTEREST - INTEREST AFTER MATURITY.) Interest for any legal indebtedness shall be at the rate of six percent per annum unless a different rate not to exceed the rate specified in section 47-14-09 is contracted for in writing. All contracts shall bear the same rate of interest after maturity as they bear before maturity, and any contract attempting to make the rate of interest higher after maturity shall be void as to such increase of interest.

Approved January 30, 1975

## CHAPTER 357

HOUSE BILL NO. 1266  
(McGauvran)

## MOBILE HOME TITLE TRANSFERS

AN ACT to amend and reenact section 39-18-02 of the North Dakota Century Code, relating to mobile home dealers' bond, and to amend and reenact section 39-18-03 of the 1973 Supplement to the North Dakota Century Code, relating to transfer of title by an owner of a travel trailer, house trailer, or mobile home, and providing a penalty.

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

SECTION 1. AMENDMENT.) Section 39-18-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-02. BOND REQUIRED.) Before the issuance of a mobile home dealer's license, as provided by law, the applicant for such license shall furnish a surety bond executed by the applicant as principal and executed by a surety company licensed and qualified to do business within the state of North Dakota, which shall be in the amount of ten thousand dollars, and be conditioned upon the faithful compliance by said applicant as a dealer, if such license be issued to it or him, that such dealer will comply with all the laws of the state of North Dakota pertaining to such business, and regulating or being applicable to the business of said dealer as a dealer in mobile homes, and indemnifying any person dealing or transacting business with such dealer in connection with any mobile home from any loss or damage occasioned by the failure of such dealer to comply with the provisions of the laws of the state of North Dakota, including, but not limited to, the furnishing of a proper and valid certificate of title to the vendee of a mobile home within fifteen days of the sale of such mobile home, and to the vendee of a travel trailer as defined by section 57-55-01 within fifteen days of the sale of such travel trailer, and that such bond shall be filed with the registrar of motor vehicles prior to the issuance of the license herein provided for. Provided, however, that the aggregate liability of the surety to all such persons for all such losses or damages shall, in no event, exceed the amount of such bond. Any third party sustaining injury within the terms of the bond may proceed against the principal and surety without making the state a party to any such proceedings.

SECTION 2. AMENDMENT.) Section 39-18-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-03. TITLING AND LICENSING OF MOBILE HOMES, HOUSE TRAILERS, AND TRAVEL TRAILERS - LICENSE FEE.) The owner of a travel trailer, house trailer, or mobile home, who sells or transfers his title to such vehicle shall endorse an assignment and warranty of title upon the certificate of title for such vehicle, along with a statement verified under oath as to whether there are liens or encumbrances thereon. The owner shall deliver the certificate of title to the purchaser within fifteen days after such sale if title passes to the purchaser. If the legal title does not pass to the purchaser under the contract for sale of the vehicle, the legal title owner shall endorse thereon a statement that he holds the lien, the date thereof, and the name of the purchaser, and shall send the certificate of title to the motor vehicle registrar with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the date of the lien of the legal owner, which certificate of title when issued shall be returned by the motor vehicle registrar to the legal title owner; who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to the department, within fifteen days after the receipt thereof, accompanied by a transfer fee of three dollars, and shall make an application for and obtain a new certificate of title for such vehicle. A penalty of not more than ten dollars may be imposed by the registrar for failure to present the certificate of title to the department as required by this section. Except when transported by a drive-away transporter duly registered and licensed under the laws of this state, no person shall haul a mobile home, house trailer, or travel trailer unless the same shall first be registered with and titled by the motor vehicle department, a certificate of title has been issued, and it displays a number plate issued by and under such regulations as the registrar of motor vehicles may prescribe. The annual fee for such licensing shall be ten dollars for mobile homes and house trailers, and in accordance with the following schedule for travel trailers as defined by section 57-55-01:

1. Where the length is less than thirteen feet, five dollars.
2. Where the length is thirteen feet or more but less than fifteen feet, ten dollars.
3. Where the length is fifteen feet or more but less than twenty feet, fifteen dollars.
4. Where the length is twenty feet or more but less than twenty-four feet, twenty dollars.

5. Where the length is twenty-four feet or more, thirty-five dollars.

Commencing January 1, 1974, the registration required hereunder shall be on a calendar-year basis. The registrar shall provide for the prorationing or refunding of registration fees payable prior to January 1, 1974. Initial registrations shall be prorated on a quarterly basis, adjusted to the next dollar, with a minimum fee of three dollars.

If such mobile home, house trailer, or travel trailer enters the state carrying the current number plate of another state, no number plates shall be required by the state of North Dakota for a period of thirty days.

The annual license fee provided for in this section shall not preclude the taxation of certain mobile homes pursuant to chapter 57-55.

If such mobile home, house trailer, or travel trailer remains stationary or parked within the state of North Dakota for a period of one year, no license shall be required for that year, provided that nothing in this chapter shall permit the use of a dealer's tag on such mobile home, house trailer, or travel trailer after the same has been sold by the dealer to whom such tag was issued.

Approved March 27, 1975

## CHAPTER 358

HOUSE BILL NO. 1599  
(Atkinson, A. Hausauer)

### SALE OF MOBILE HOMES BY REAL ESTATE BROKERS

AN ACT to create and enact section 39-18-08 of the North Dakota Century Code, to permit licensed real estate brokers to deal in the sale and resale of used mobile homes.

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

SECTION 1.) Section 39-18-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-18-08. SALES BY REALTORS OF USED MOBILE HOMES.) Notwithstanding any other provision of law, a person licensed as a real estate broker may sell or offer to sell, buy or offer to buy, solicit prospective purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of any mobile home if the mobile home has been registered under the provisions of this chapter for at least two years.

No real estate broker who engages in the activities authorized by this section shall maintain any place of business where two or more mobile homes are displayed and offered for sale by such person, unless said broker is also licensed as a mobile home dealer pursuant to this chapter.

Approved March 27, 1975

## CHAPTER 359

HOUSE BILL NO. 1562  
(Atkinson)

## CHEMICAL TESTS

AN ACT to amend and reenact section 39-20-07 of the North Dakota Century Code, relating to interpretation of chemical tests.

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

SECTION 1. AMENDMENT.) Section 39-20-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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 the 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 the qualifications of individuals to conduct such analysis, and shall issue a certificate to all qualified operators who shall exhibit the certificate upon demand by the person requested to take the chemical test. The state toxicologist may appoint, train, certify, and supervise field inspectors of breath testing equipment and its operation, and the inspectors shall report the findings of any inspection to the state toxicologist for appropriate action. Upon approval of the methods and/or devices and techniques required to perform such tests and the persons qualified to administer them, the state toxicologist shall prepare and file written record of such approval with the clerk of the district court in each county within the state which shall include:
  - a. A quarterly register of the specific testing devices currently approved including serial number, location, and the date and results of last inspection.
  - b. A quarterly register of currently qualified and certified operators of said devices stating the

date of certification and its expiration.

- c. The operational checklist and forms prescribing the methods and techniques currently approved by the state toxicologist in using such devices during the administration of the tests.

Copies of the above records certified by the clerk of the district court shall be admitted as prima facie evidence of the matters stated therein.

6. A certified copy of the analytical report of a blood analysis signed by the state toxicologist shall be accepted as prima facie evidence of the results of such a chemical analysis performed herein.
7. Notwithstanding any statute or rule to the contrary, the defendant may subpoena the state toxicologist or any employee thereof to testify at the trial of the issue at no cost to the defendant.

Approved March 27, 1975

## CHAPTER 360

HOUSE BILL NO. 1143

(Committee on Transportation)

(At the request of the Department of Public Instruction)

## RESALE OF A SCHOOL BUS

AN ACT to amend and reenact section 39-21-27.1 of the North Dakota Century Code, relating to the resale of a school bus.

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

SECTION 1. AMENDMENT.) Section 39-21-27.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-27.1. SCHOOL BUS STANDARDS.) Only motor vehicles which have been designed by the manufacturer for the purpose of carrying passengers shall be used as school buses. The superintendent of public instruction may adopt reasonable regulations, consistent with the provisions of this chapter, relating to the construction, design, operation, equipment, and color of school buses and shall prepare and publish standards for North Dakota school buses which shall set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways, and elsewhere of any school bus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation. If a school bus is purchased for a purpose or purposes other than the public transport of school children, the purchaser shall change the color of the vehicle and deactivate or remove the warning signal lights.

Highway patrolmen and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

Approved March 6, 1975



## CHAPTER 361

SENATE BILL NO. 2189  
(Committee on Transportation)  
(At the request of the Highway Department)

## WARNING DEVICES

AN ACT to amend and reenact subdivision a of subsection 1 of section 39-21-42 of the North Dakota Century Code, relating to types of warning devices carried in motor vehicles.

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

SECTION 1. AMENDMENT.) Subdivision a of subsection 1 of section 39-21-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the registrar and approved by him. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it shall meet the requirements of the national highway traffic safety administration motor vehicle safety standard number 125 or unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the registrar and approved by him.

Approved March 19, 1975

## CHAPTER 362

SENATE BILL NO. 2426  
(Iszler, Strand)

## MODIFICATION OF MOTOR VEHICLES

AN ACT to amend and reenact section 39-21-45.1 of the North Dakota Century Code, relating to modification of motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-21-45.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-45.1. MODIFICATION OF MOTOR VEHICLES.) It shall be unlawful for any person to operate upon a public highway a motor vehicle of a type required to be registered under the laws of this state with an unloaded weight of six thousand pounds or less with alterations or changes from the manufacturer's original design, except that nothing contained herein shall prevent a person from operating a motor vehicle on a public highway with normal wear provided that the normal wear shall not affect the control of the vehicle. The registrar shall promulgate rules and requirements which, so far as possible, shall conform to the regulations established by the Vehicle Equipment Safety Commission and the Federal Motor Vehicle Safety Standards.

Approved March 27, 1975

## CHAPTER 363

HOUSE BILL NO. 1564  
(Gackle)

### SLOW-MOVING VEHICLES

AN ACT to amend and reenact section 39-21-50 of the North Dakota Century Code, relating to the emblem required to be displayed by slow-moving vehicles and the penalty for failure to display such emblem.

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

SECTION 1. AMENDMENT.) Section 39-21-50 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-50. SLOW-MOVING VEHICLES REQUIRED TO DISPLAY IDENTIFICATION EMBLEM - PENALTY.) All implements of husbandry, as defined in section 39-01-01, and machinery, including all road construction machinery, which is designed for operation at a speed of twenty-five miles an hour or less, shall display either a triangular slow-moving vehicle emblem or a rotating or flashing amber light, as authorized for class B emergency vehicles, whenever it is traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. Such emblem or light shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The highway commissioner shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem and light. The standards and specifications for slow-moving vehicle emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers. No vehicle, other than those specified in this section, shall display a slow-moving vehicle emblem, and its use on any type of stationary object is prohibited. Any person who fails or refuses to comply with the provisions of this section shall be assessed a fee of twenty dollars for each offense.

Approved March 17, 1975

## CHAPTER 364

SENATE BILL NO. 2070

(Solberg)

(From Legislative Council Study)

## RANDOM MOTOR VEHICLE MAINTENANCE

AN ACT providing a random motor vehicle maintenance program by the superintendent of the state highway patrol; and providing a penalty.

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

SECTION 1. MOVEMENT OF VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN UNSAFE CONDITION PROHIBITED.) No person shall drive or move any registered motor vehicle in this state unless the vehicle is equipped pursuant to the laws of this state and the equipment is in good working order and adjusted as required by law.

SECTION 2. SUPERINTENDENT OF HIGHWAY PATROL TO REGULATE  
RANDOM MOTOR VEHICLE MAINTENANCE PROGRAM.)

1. The superintendent of the highway patrol may require that motor vehicles registered in this state be inspected on a random basis every year and that an official certificate of maintenance be issued for each such vehicle inspected. The superintendent may also, pursuant to section 4 of this Act, determine which vehicles are to be inspected during any given year. Such inspections may include, but are not limited to, the condition, adjustment, and installation of brakes, steering, tires, headlights, taillights, directional lights, suspension systems, and the registration of every such motor vehicle. In the event repair or adjustment of any motor vehicle is found necessary upon inspection, the owner of the motor vehicle, at his own expense, may obtain such maintenance or repair at any place he may choose.
2. The superintendent shall accept a current certificate of maintenance or inspection issued in another state.
3. The motor vehicle registrar, upon notice from the superintendent or his authorized agent, shall suspend the registration of any vehicle which the superintendent or his authorized agent determines to be in such unsafe condition as to constitute a menace to safety, or which, after notice and demand, is not equipped as required

in this Act or is not equipped as required under regulations promulgated under this Act, or for which a required certificate of inspection has not been obtained.

4. The superintendent may designate and certify inspectors and inspection stations under rules and regulations promulgated pursuant to this Act.

SECTION 3. EXCEPTIONS.) All those vehicles specified by rules promulgated by the superintendent, pursuant to section 4 of this Act, will be exempt from random inspection.

SECTION 4. SUPERINTENDENT TO ESTABLISH RULES AND REGULATIONS.) The superintendent, subject to approval by an appropriate interim legislative committee designated by the legislative council, is hereby authorized to promulgate rules and regulations under chapter 28-32 for the administration and enforcement of this Act. He may also promulgate regulations for inspection stations, setting forth the minimum equipment needed and the procedures to be followed by such stations and may promulgate regulations setting forth standards that vehicle inspectors shall meet and procedures to be followed by persons who desire to become motor vehicle inspectors.

SECTION 5. ADMINISTRATIVE HEARING ON REQUEST.) Any person aggrieved by a decision of the superintendent or his designated agent under the provisions of this Act shall have thirty days from receipt of notice of that decision to request, in writing, an administrative hearing on the matter so decided. If a timely request for a hearing is made, the superintendent shall appoint a hearing examiner who shall hold a hearing as provided for in chapter 28-32. The decision of the hearing examiner shall be appealable as provided for in chapter 28-32.

SECTION 6. PENALTY.) Any person violating any of the provisions of this Act, or violating any of the regulations promulgated under this Act, shall be guilty of an infraction.

Approved March 26, 1975

## CHAPTER 365

SENATE BILL NO. 2103  
(Solberg)

### MOTORCYCLE EQUIPMENT

AN ACT to provide minimum requirements for the construction and equipment of motorcycles.

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

SECTION 1. PURPOSE.) It is the purpose of this Act to establish performance and equipment requirements for the manufacture, sale, and safe operation of a motorcycle upon public highways, and to furnish administrators with a guide for registration eligibility and continued conformity as related to motorcycles.

#### SECTION 2. MANUFACTURER'S OR DISTRIBUTOR'S CERTIFICATION.)

1. The manufacturer or distributor shall provide a certification of the fact that a motorcycle or class of motorcycles is designed and manufactured for use upon public highways and complies with the performance and equipment requirements of this Act, and the rules and regulations promulgated hereunder.
2. The certificate shall be incorporated on the manufacturer's statement of origin (MSO) upon transfer of vehicle ownership.

#### SECTION 3. FRAME-CHASSIS REQUIREMENTS.)

1. The motorcycle frame-chassis, including the suspension components and engine mountings, shall be of substantial construction, capable of supporting the combined weight of all vehicle components and riders for which the vehicle is designed, and withstand normal road shocks and operational stresses without constituting a hazard to the riders or other users of the highway.
2. The wheel base shall not be less than forty inches.

#### SECTION 4. BRAKES.)

1. Every motorcycle shall have either a split service brake system or two independently actuated service brake

systems in accordance with regulations promulgated by the registrar of motor vehicles pursuant to chapter 28-32. Brakes must act on the front and rear wheels.

2. Every motorcycle shall meet the requirements for brake system effectiveness, fade and partial systems as specified in rules and regulations promulgated by the motor vehicle registrar pursuant to chapter 28-32.
3. All linkage, cables, pivots, and bearings shall be free of excess (high) friction, with the front wheel brake cable so located and secured as not to become pinched between fork and frame members when wheel is turned completely to the right or left.
4. Brake actuating devices shall be in an accessible location, unencumbered by vehicle components, and so positioned that adequate leverage and safe operation is ensured. Service brake system controls and operation requirements shall be in accordance with regulations promulgated by the motor vehicle registrar pursuant to chapter 28-32. A suitable mechanism shall be provided for the purpose of automatically returning the actuating devices to normal position upon release.
5. Motorcycle brakes must be capable of being adjusted automatically or manually with means provided to prevent unintentional adjustment.
6. Each three-wheel motorcycle shall be equipped with a parking brake of a friction type with a solely mechanical means to retain engagement.

#### SECTION 5. TIRES, WHEELS, AND RIMS.)

1. Motorcycle tires shall be of pneumatic design with a minimum width of two and twenty-five hundredths inches designed for highway use.
2. Tires on two-wheel motorcycles and the front tire on a three-wheel motorcycle must have a load capacity rating at least equal to their respective gross axle weight ratings (GAWR). Each tire on the rear axle of a three-wheel motorcycle must have a load capacity rating at least equal to one-half the rear axle gross axle weight rating (GAWR).
3. Wheel rim diameters shall not be less than ten inches and shall otherwise comply with applicable state standards, as promulgated by the motor vehicle registrar.

#### SECTION 6. STEERING AND SUSPENSION SYSTEMS.)

1. Motorcycle steering and suspension systems shall be designed and engineered to provide the operator with the

means of safely controlling vehicle direction under all maneuvers required for normal and safe operation.

2. The rear wheel of a two-wheel motorcycle shall track behind the front wheel within one inch with both wheels in a vertical plane when the vehicle is operating on a straight course. On a three-wheel motorcycle, the two wheels mounted on the rear axle shall have a wheel track distance no less than thirty inches and the mid-point of the rear wheel track distance shall be within one inch of the front wheel track when the vehicle is proceeding on a straight course. The vehicle shall be equipped with an adjustment feature that will provide proper wheel tracking.
3. The steering head shall be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.
4. All motorcycles, except three-wheel motorcycles, shall meet the following specifications in relationship to front wheel geometry:

MAXIMUM: Rake: 45 degrees - Trail: 14 inches  
positive

MINIMUM: Rake: 20 degrees - Trail: 2 inches  
positive

Manufacturer's specifications shall include the specific rake and trail for each motorcycle or class of motorcycles and the terms "rake" and "trail" shall be defined by the motor vehicle registrar by regulations promulgated pursuant to chapter 28-32.

5. Handlebars shall be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred pounds applied to each handgrip in any direction. Handlebar grips shall be located no more than fifteen inches above the unoccupied seat with the handlebars located in a straight-ahead position and shall be capable of vertical adjustment. The handlebars shall provide a minimum of eighteen inches between grip after final assembly.
6. Handlebars shall be equipped with handgrips consisting of a material and surface pattern to ensure firm, nonslip gripping for the driver.
7. Every motorcycle shall be equipped with a suspension system and such suspension system shall be applicable to at least the front wheel. The suspension system shall be effective in reducing road shock and designed for the purpose of maximizing vehicle stability.



## SECTION 7. FUEL SYSTEM.)

1. All fuel system components, including the tank, pump, tubing, hoses, clamps, etc., shall be securely fastened to the motorcycle so as not to interfere with vehicle operation and be leakproof when the vehicle is in its normal operating attitude.
2. Fuel lines shall be positioned in a manner to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces, or moving components. The fuel system shall be adequately vented and provided with a fuel shut-off valve located between the fuel supply and the engine.

SECTION 8. EXHAUST SYSTEM.) Motorcycles shall be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of effectively reducing engine noise. Cut-outs and bypasses in the exhaust system are prohibited. The system shall be leakproof and all components shall be securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle. Shielding shall be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation.

SECTION 9. MIRRORS.) Every motorcycle shall be equipped with at least one mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the motorcycle. Such mirror shall consist of a minimum reflective surface of ten square inches. All mirrors shall not contain sharp edges or projections capable of producing injury.

SECTION 10. FENDERS.) Each wheel of a motorcycle shall be equipped with fenders or otherwise covered by the body configuration. Fenders shall be securely mounted and of sufficient size and strength to minimize water or other road surface substances from coming in contact with the vehicle riders, or throwing the road substances unreasonably to the rear of the vehicle. Fender design shall be effective in reducing side spray.

SECTION 11. SEAT OR SADDLE.) A seat or saddle securely attached to the vehicle shall be provided for the use of the operator. The seat or saddle shall not be less than twenty-five inches above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the operator seated in a driving position. The seat or saddle adjustment locking device shall prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

SECTION 12. CHAIN GUARD.) Any drive chain on a motorcycle shall be equipped with a chain guard or covering device to prevent chain or chain sprocket contact with any rider.

SECTION 13. VEHICLE STAND.) All motorcycles designed with two wheels shall be equipped with a retracting vehicle stand to

permit the vehicle to remain in an upright stored position without outside assistance. The stand may be of a side or center type, and shall be of substantial construction to hold the vehicle so equipped.

SECTION 14. GLAZING.) When equipped, all motorcycle wind-screens and windshields shall meet the following standards:

1. The glazing material shall comply with the standards promulgated by regulation of the registrar of motor vehicles.
2. The metal support shall be of a material which shall bend rather than fragment under impact.
3. Covering material, other than glazing, shall be beaded at the edges to prevent fraying.

SECTION 15. HORN.) Every motorcycle shall be equipped with an operative horn in good working order as described by subsection 1 of section 39-21-36. The horn shall operate from a control device located on the left handlebar.

SECTION 16. SPEEDOMETER AND ODOMETER.) Every motorcycle shall be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the headlamp is activated.

SECTION 17. LIGHTING EQUIPMENT.)

1. Every motorcycle shall be equipped with lamps, reflective devices, and associated equipment as required by and in compliance with standards promulgated by regulation of the motor vehicle registrar.
2. A gearbox indicator light, if provided, shall be located within the operator's field of vision.
3. A headlamp beam indicator light shall be located within the operator's field of vision and illuminated automatically when the hi-beam of the headlamp is actuated.

SECTION 18. PASSENGER SEAT.) Motorcycles designed to carry more than one person must be equipped with a securely mounted seat for each passenger located to the side or rear of the driver such that the passenger seat does not interfere with the driver's control or operation of the vehicle. In the case of a two-wheel vehicle, the passenger seat shall be located on the longitudinal centerline of the motorcycle.

SECTION 19. HANDHOLD.) A handhold device, which may consist of a bar or strap, to provide adequate support for a person having a body weight up to two hundred fifty pounds must be provided for the passenger rider if the motorcycle is designed to carry more than one person.

SECTION 20. FOOTREST.) Footrests shall be provided for each designated seating position. Each footrest for a passenger shall be so designed and constructed to support a static weight of two hundred fifty pounds applied at the center of the foot pedal. Footrests shall be so located to provide reasonable accessibility for the passenger's feet. Footrests shall fold rearward or upward when not in use if the footrest protrudes beyond the width of the handlebars.

SECTION 21. HIGHWAY BARS.) If a motorcycle is so equipped, highway bars shall have a maximum width of twenty-six inches; shall be located less than fifteen inches from the foot controls; and shall not interfere with the operation of the foot controls.

SECTION 22. EQUIPMENT APPROVAL.) All motorcycle lighting devices, electrical systems, brake components, glazing materials, required or optional, shall be approved by the motor vehicle registrar before they will be available for use within the state.

Approved April 8, 1975