

GAME AND FISH

CHAPTER 293

HOUSE BILL NO. 1133
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

DEFINITION OF WATERFOWL

AN ACT to amend and reenact subsection 37 of section 20.1-01-02 of the North Dakota Century Code, relating to the definition of "waterfowl".

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

SECTION 1. AMENDMENT.) Subsection 37 of section 20.1-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37. "Waterfowl" shall include all varieties of geese, brant, swans, ducks, ~~exanes~~, rails, and coots.

Approved March 3, 1979

CHAPTER 294

HOUSE BILL NO. 1141
(Opedahl)

HUNTING WITH MOTOR-DRIVEN VEHICLES

AN ACT to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to the use of motor vehicles in hunting big or small game other than waterfowl.

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

SECTION 1. AMENDMENT.) Section 20.1-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-07. HUNTING BIG GAME OR SMALL GAME OTHER THAN WATERFOWL WITH MOTOR VEHICLES PROHIBITED - EXCEPTION - MOTOR VEHICLE USE IN TRANSPORTING BIG GAME RESTRICTED.)

- 1- Except as provided in subsection 11 of section 20.1-02-05, no person, while hunting big game, ~~state-wide,~~ or small game, other than waterfowl, ~~in these counties specified in subsection 2,~~ shall statewide, may use a motor-driven vehicle on any other than an established road or trail, unless he has reduced a big game animal to possession and cannot easily retrieve said big game animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, provided that after such retrieval, such motor-driven vehicle is again returned to the established road or trail along the same route it originally departed. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the roadside or directly adjacent to said road or trail. No person, while hunting big game, ~~state-wide,~~ or small game, ~~other than waterfowl, in these counties specified in subsection 2,~~ shall statewide, may drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass any such game with the use or aid of any motor-driven vehicle. No person, while hunting big game ~~state-wide,~~ or small game, other than waterfowl, ~~in these counties specified in subsection 2,~~ shall statewide, may drive through any

retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail.

~~2. The prohibitions relating to the hunting of small game specified in subsection 1 shall apply to the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, McKenzie, Mercer, Merton, Oliver, Sioux, Slope, and Stark.~~

Approved March 3, 1979

CHAPTER 295

HOUSE BILL NO. 1235
(Lipsiea)

RACCOON HUNTING WITH AN ARTIFICIAL LIGHT

AN ACT to amend and reenact section 20.1-01-08 of the North Dakota Century Code, relating to the hunting of raccoons with an artificial light.

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

SECTION 1. AMENDMENT.) Section 20.1-01-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-08. HUNTING WITH ARTIFICIAL LIGHT PROHIBITED - EXCEPTION - USE OF DOGS.) It shall be unlawful for any person to pursue, shoot, kill, take or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light. This section does not make it unlawful for any person to use a lantern, spotlight, or other artificial light to assist him in pursuing and shooting on his premises any coyote, fox, skunk, mink, raccoon, weasel, owl, rabbit, or other predatory animal or bird, attacking and attempting to destroy such person's poultry, livestock, or other property. ~~It is permissible to use a flashlight of not more than two cells in the aggregate of three volts while taking a raccoon during the open season on such animal.~~ It is permissible to use an artificial light of not more than two cells in the aggregate of four volts while hunting afoot for raccoon during the open season on such animal. A red or amber filter must be placed on any artificial light used in the hunting of raccoon, except when taking a raccoon treed or at bay.

Approved March 3, 1979

CHAPTER 296

HOUSE BILL NO. 1451

(Timm, Kermott, Maixner, Schindler, Walsh)

HARASSING WILD GAME FROM SNOWMOBILE

AN ACT to amend and reenact section 20.1-01-11 of the North Dakota Century Code, relating to hunting and harassing game from aircraft, snowmobiles and motor vehicles.

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

SECTION 1. AMENDMENT.) Section 20.1-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-11. HUNTING AND HARASSING GAME FROM AIRCRAFT, SNOWMOBILES AND MOTOR VEHICLES PROHIBITED.) Except as provided in this title, or when necessary for the protection of life or property except as provided in section 20.1-02-05, no person operating or controlling the operation of any aircraft or motor vehicle in this state shall intentionally kill, chase, or harass any wild animal or wild bird, protected or unprotected. No person, while operating a snowmobile in this state, shall intentionally kill, chase, flush, or harass any wild animal or wild bird, protected or unprotected.

Approved March 3, 1979

CHAPTER 297

HOUSE BILL NO. 1341
(Hanson)

GAME BIRD HUNTING

AN ACT to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to hunting birds on utility lines and providing a penalty; and to amend and reenact subsection 6 of section 20.1-01-02 of the North Dakota Century Code, relating to the definition of game birds to include mourning doves.

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

SECTION 1.) A new section to chapter 20.1-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

HUNTING ON UTILITY LINES PROHIBITED - PENALTY.) No person may hunt birds resting on utility lines or fixtures adjacent to such lines. Any person violating this section shall be guilty of a class B misdemeanor.

SECTION 2. AMENDMENT.) Subsection 6 of section 20.1-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. "Game birds" shall include all varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sagehens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, and wild turkeys, and mourning doves.

Approved March 5, 1979

CHAPTER 298

HOUSE BILL NO. 1143
(Gerl)

DISPOSITION OF INJURED ANIMALS

AN ACT to provide for the disposition of animals injured or killed by being struck by a motor vehicle.

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

SECTION 1. DISPOSITION OF ANIMALS INJURED OR KILLED BY MOTOR VEHICLE - FEE.) Whenever any big game or furbearing animal is injured or killed by being struck by a motor vehicle on a public highway or roadway, the driver of the motor vehicle may notify the department of the location of the animal. When notified as provided in this section, the department shall arrange for the disposition of the animal.

Provided, however, that upon payment of a two dollar fee to the department, the driver of the motor vehicle may arrange for the disposition or processing of the animal. Any authorized representative of the department shall give a receipt, in the form prescribed by the commissioner, to the driver making payment pursuant to this section. That receipt shall serve as authorization to possess or dispose of the animal.

Approved March 3, 1979

CHAPTER 299

HOUSE BILL NO. 1197
(Gackle, Berg, Kermott, Weber)

HABITAT IMPROVEMENT PROGRAM

AN ACT to create and enact two new subsections to section 20.1-02-05 of the North Dakota Century Code, relating to the establishment of a special game and fish department private land habitat improvement fund and the establishment of a habitat improvement program.

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

SECTION 1.) Two new subsections to section 20.1-02-05 of the North Dakota Century Code are hereby created and enacted to read as follows:

Provide for the funding of a private lands habitat improvement program with moneys derived from the interest earned on the game and fish fund. The state treasurer shall place the interest money in a special fund called the "game and fish department private land habitat improvement fund".

Carry out a private land habitat improvement program by:

- a. Entering into cost-sharing agreements with landowners or agencies working on private land to help defray all or a portion of their share of certain federally sponsored conservation practices considered beneficial to fish and wildlife.
- b. Annual leasing and development of fish and wildlife habitat or sport fishing areas on private land.
- c. Carrying out practices which will alleviate depredations caused by big game animals.

Approved March 24, 1979

CHAPTER 300

SENATE BILL NO. 2375
(Jones)

POWERS OF GAME AND FISH PERSONNEL

AN ACT to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to the powers of the state game and fish commissioner, deputy commissioner, chief game wardens or district game wardens.

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

SECTION 1.) A new section to chapter 20.1-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

ADDITIONAL POWERS OF COMMISSIONER, DEPUTY COMMISSIONER, CHIEF GAME WARDENS OR DISTRICT GAME WARDENS.) The commissioner, deputy commissioner, chief game wardens or district game wardens shall have the power of a peace officer in the following circumstances:

1. To enforce state laws, rules, and regulations on any game refuge, game management area or other land or water owned, leased or managed by the department.
2. When responding to requests from other law enforcement agencies or officers for aid and assistance. For the purposes of this subsection, such a request from a law enforcement agency or officer shall mean only a request for assistance as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of the provisions of this title.
3. The powers and duties hereby conferred shall be supplemental to other powers and duties conferred upon the commissioner, deputy commissioner, chief game wardens or district game wardens and shall not constitute an obligation beyond the regular course of duty of those officers.

This section shall not be construed to limit the powers or duties of any peace officer within this state.

Approved March 8, 1979

CHAPTER 301

SENATE BILL NO. 2080
(Legislative Council)
(Interim Committee on State and Federal Government)

GAME AND FISH ADVISORY BOARD

AN ACT to amend and reenact sections 20.1-02-23, 20.1-02-24, and 20.1-02-25 of the North Dakota Century Code, relating to the membership, compensation, meetings, and duties of the state game and fish advisory board.

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

SECTION 1. AMENDMENT.) Section 20.1-02-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-23. ADVISORY GAME AND FISH BOARD - APPOINTMENT - QUALIFICATIONS - TERM.) There is hereby created a state game and fish advisory board consisting of ~~six~~ eight members, one from each ~~judicial--district--of--this--state~~ of the following districts, appointed by the governor:

1. District one shall consist of the counties of Divide, McKenzie, and Williams.
2. District two shall consist of the counties of Bottineau, Burke, McHenry, Mountrail, Pierce, Renville, and Ward.
3. District three shall consist of the counties of Benson, Cavalier, Eddy, Ramsey, Rolette, and Towner.
4. District four shall consist of the counties of Grand Forks, Nelson, Pembina, and Walsh.
5. District five shall consist of the counties of Cass, Ransom, Richland, Sargent, Steele, and Traill.
6. District six shall consist of the counties of Barnes, Dickey, Foster, Griggs, LaMoure, Logan, McIntosh, Stutsman, and Wells.

7. District seven shall consist of the counties of Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan, and Sioux.
8. District eight shall consist of the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope, and Stark.

Not less than ~~three~~ four members shall be bona fide farmers or ranchers. Appointments shall be for a term of ~~six~~ four years from the first day of July of the year of expiration of the basic term, and until a successor has been appointed and qualified. Vacancies occurring other than by the expiration of an appointive term shall be filled by appointment for the remainder of the term only. No member of the board may serve longer than two full terms. The members of the advisory board shall be subject to removal by the governor for cause only. The advisory board shall select from their members a chairman, vice chairman, and secretary who shall serve in such positions until June thirtieth of the year next following their selection.

SECTION 2. AMENDMENT.) Section 20.1-02-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-24. COMPENSATION.) Each member of the advisory board shall be paid a per diem of ~~ten~~ fifty dollars for each day of service in going to, attending, and returning from the meetings required by section 20.1-02-25 to be held in his respective district and the meetings of the advisory board. Each member shall be reimbursed for necessary and actual expenses at the rates and in the manner provided by law for other state officers. Such compensation and expenses shall be paid out of department appropriations.

SECTION 3. AMENDMENT.) Section 20.1-02-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-25. MEETINGS AND DUTIES.) Each board member shall hold a public meeting at least twice each fiscal year in his respective district to make their presentations and to determine the needs and the opinions of those interested in such activities. The board shall meet at least twice each fiscal year, ~~once in August and once in April. Four members shall constitute a quorum.~~ The board has the authority to advise the commissioner regarding any policy of hunting, fishing, and trapping regulations, and may make general recommendations concerning the operation of the department and its programs which the commissioner may carry out. The board shall forward copies of its recommendations to the governor. This section does not limit or restrict the powers, duties, and authority of the governor in the issuance of orders and proclamations as provided in chapter 20.1-08.

Approved March 7, 1979

CHAPTER 302

SENATE BILL NO. 2146
(Wright)

FROG LICENSE

AN ACT to create and enact a new section to chapter 20.1-03 and three new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to frog licenses and frog license fees; and to amend and reenact subsection 31 of section 20.1-03-12 and section 20.1-06-17 of the North Dakota Century Code, relating to resident frog license fees and regulations governing commercial frogging.

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

SECTION 1.) A new section to chapter 20.1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

WHEN LICENSE TO TAKE FROGS NOT REQUIRED OF RESIDENTS.)
Subject to the provisions of this title:

1. Any resident, or any member of his family residing customarily with him, may take frogs for sale during the open season without a license upon land owned or leased by him for agricultural purposes.
2. Residents under the age of fifteen may take frogs without a resident frog license.
3. Any person may take and possess a maximum of twenty-four frogs without a frog license if he has a fishing license or is otherwise legally entitled to fish in the state.
4. Any licensed bait vendor may take, buy, sell or ship within the state frogs for angling purposes without a frog license.

SECTION 2. AMENDMENT.) Subsection 31 of section 20.1-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

31. For a resident commercial frog license, fifty dollars.

SECTION 3.) Three new subsections to section 20.1-03-12 of the North Dakota Century Code are hereby created and enacted to read as follows:

For a nonresident commercial frog license, two hundred dollars.

For a resident frog license, three dollars.

For a resident husband and wife frog license, five dollars.

SECTION 4. AMENDMENT.) Section 20.1-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-06-17. FROGS - SEASON FOR TAKING - REGULATIONS.) ~~No person shall willfully take, catch, or kill any frog except for angling purposes or biological classroom study within North Dakota, unless he first obtains a commercial frog license from the commissioner.~~ No person shall engage in the taking of frogs for sale for human consumption or scientific purposes without obtaining a frog license from the commissioner. No person shall buy, job, take on consignment or ship frogs without obtaining the appropriate resident or nonresident commercial frog license. The commissioner shall designate the form of such licenses, the areas in which the license is valid, and any other restrictions. The commissioner shall issue regulations relating to the manner of taking, shipping, buying, or selling and may require reports from each licensee at such time and of containing such information as deemed necessary. Except as provided in subsection 3 of section 1 of this Act, it is unlawful to take frogs on private land without written permission of the owner or operator of the land.

Approved March 8, 1979

CHAPTER 303

HOUSE BILL NO. 1326
(Representatives Berg, Mertens)
(Senators Jones, Smykowski)

NONRESIDENT WATERFOWL LICENSE

AN ACT to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to authorization for nonresidents to hunt waterfowl in specified hunting zones.

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

SECTION 1. AMENDMENT.) Section 20.1-03-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-07.1. NONRESIDENT WATERFOWL HUNTING LICENSE REQUIRED.) A nonresident shall not hunt waterfowl unless he first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license shall entitle the nonresident to hunt waterfowl for any ~~consecutive-ten-day~~ period of ten consecutive days or any two periods of five consecutive days each and in specified waterfowl hunting zones. A license authorizing two five-day hunting periods may allow hunting in a different zone during each period. The governor, in his proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident shall be entitled to purchase only one nonresident waterfowl hunting license per year.

Approved March 24, 1979

CHAPTER 304

SENATE BILL NO. 2132
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

MINIMUM AGE FOR BIG GAME HUNTING LICENSE

AN ACT to amend and reenact subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to the age a person must be before he may apply for a big game hunting license.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. No person shall hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal shall be issued as an integral part of the big game hunting license. ~~A big game hunting license shall not be sold to, or purchased for, any person under the age of fourteen years~~ No person may apply for or be issued a big game hunting license if that person's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section shall be a distinct and separate offense.

Approved March 8, 1979

CHAPTER 305

SENATE BILL NO. 2451
(Smykowski)

NONRESIDENT FUR BUYER LICENSE FEE
INCREASED

AN ACT to amend and reenact subsection 16 of section 20.1-03-12 of the North Dakota Century Code, relating to the license fee required of a nonresident fur buyer.

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

SECTION 1. AMENDMENT.) Subsection 16 of section 20.1-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16. For a license to a nonresident buyer or shipper of green furs, or his agent, ~~one~~ five hundred dollars.

Approved March 23, 1979

CHAPTER 306

HOUSE BILL NO. 1320
(Berg)

FISHHOUSE LICENSES

AN ACT to amend and reenact subsection 26 of section 20.1-03-12 and section 20.1-06-07 of the North Dakota Century Code, relating to the fee and effective period for fishhouse licenses.

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

SECTION 1. AMENDMENT.) Subsection 26 of section 20.1-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26. For a license to erect, have, and maintain on the ice in this state a fishhouse used or to be used to protect one while ice fishing or a dark house used or to be used for spearfishing, ~~one dollar~~ five dollars for each unit.

SECTION 2. AMENDMENT.) Section 20.1-06-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-06-07. FISHHOUSES - LICENSE - REMOVAL.) No person, except as provided in section 20.1-06-05, shall erect, have, or maintain on the ice in any waters of this state, a fishhouse used or to be used while ice fishing, or a dark house used or to be used for spearfishing, without first obtaining a separate license for each such unit used. Licenses shall be issued by the commissioner, for the period ~~between--December--fifteenth--and--the--end--of--the--winter--fishing--season--as--established--by--the--governor's--proclamation--or--by--executive--order--of--the--commissioner,--upon--payment--of--the--appropriate--license--fee~~ of five winter fishing seasons, including the season commencing in the year of purchase. Fishhouse licenses are not transferable and must be relicensed for a five-year period by the new owner of the fishhouse. Licenses shall be subject to the rules ~~and--regulations~~ the commissioner may adopt governing the construction, maintenance, and use of such units. The outside of each licensed unit shall have inscribed on it, in readily distinguishable characters at least six inches [15.24 centimeters] high, the license number and the owner's name. Each unit shall be

removed from the ice within five days after the close of the ~~period~~
~~for--which--the--license--was--issued~~ winter fishing season as
established by the governor's proclamation. Failure to remove a
unit shall be deemed an abandonment and the commissioner is
authorized to remove or destroy such abandoned units.

Approved March 3, 1979

CHAPTER 307

HOUSE BILL NO. 1152
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

KILLING OF DOGS PURSUING BIG GAME

AN ACT to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to the killing of dogs pursuing or killing big game; and declaring an emergency.

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

SECTION 1.) A new section to chapter 20.1-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

UNATTENDED DOGS HARASSING OR KILLING BIG GAME ANIMALS.) Any district game warden may kill any unattended dog harassing or killing big game. No action for damages shall be maintained against the person for the killing.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved March 3, 1979

CHAPTER 308

HOUSE BILL NO. 1445
(Richie)

OUTBOARD MOTOR POSSESSION AND SALE

AN ACT to create and enact two new sections to chapter 20.1-13 of the North Dakota Century Code, relating to possession and sale of outboard motors without serial numbers; and providing penalties.

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

SECTION 1.) A new section to chapter 20.1-13 of the North Dakota Century Code is hereby created and enacted to read as follows:

OUTBOARD MOTOR - SERIAL NUMBER REMOVED - PENALTY.) No person may possess, repair, or sell an outboard motor, acquired after January 1, 1980, from which the serial number has been removed. Any person violating this section shall be guilty of an infraction.

SECTION 2.) A new section to chapter 20.1-13 of the North Dakota Century Code is hereby created and enacted to read as follows:

MANUFACTURE AND SALE OF OUTBOARD MOTORS.) No outboard motor manufactured after January 1, 1980, shall be sold or offered for commercial sale by a dealer in this state unless the motor shall have permanently engraved thereon by the manufacturer an identifying serial number. The serial mark shall be of a permanent nature so as to prevent or discourage the removal, defacing, alteration, or destruction thereof. Any person violating this section shall be guilty of an infraction.

Approved March 3, 1979