

MOTOR VEHICLES

CHAPTER 330

SENATE BILL NO. 2161

(Transportation Committee)

(At the request of the Department of Transportation)

VEHICLE DEFINITION, REGISTRATION, AND DAMAGE DISCLOSURE

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 recreational vehicle; and to amend and reenact subsection 67 of section 39-01-01, subsection 2 of section 39-04-36, section 39-05-17.2, subparagraph a of paragraph 3 of subdivision b of subsection 2 of section 39-06-14, sections 39-18-01, and 39-29.1-08 of the North Dakota Century Code, relating to vehicle registration fee credits, motor vehicle body damage disclosure, low-speed vehicles, and correction of statutory references.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

"Recreational vehicle" means any motorcycle not qualified for registration, all-terrain vehicle, snowmobile, vessel, or personal watercraft.

SECTION 2. AMENDMENT. Subsection 67 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

~~67.~~ 68. "Semitrailer" includes every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it does not include a "housetrailer" or "mobile home" as defined in subsection ~~82~~ 83.

SECTION 3. AMENDMENT. Subsection 2 of section 39-04-36 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon applying for the transfer of the registration and paying a five dollar fee, a person who transfers or assigns to another person the ownership of a registered vehicle may receive credit for the unused portion of the fees paid for the transferred vehicle. The department may establish procedures that permit the transferor to assign the credit to the transferee if the transferor is the spouse, a sibling, or a lineal ancestor or descendant of the transferee. One-twelfth of the annual fee must be credited for each month of the registration period remaining after the month in which the transfer is made. The credit may not extend beyond the original expiration of the registration. Except as provided in section

39-04-44, the credit must be applied to the registration fees for a replacement vehicle. The transferor shall apply for the transfer of registration within thirty days of the purchase of the replacement vehicle.

²³⁸ **SECTION 4. AMENDMENT.** Section 39-05-17.2 of the North Dakota Century Code is amended and reenacted as follows:

39-05-17.2. Body damage disclosure - Rules - When required - Penalty.

1. The department shall adopt rules relating to the manner and form of disclosing motor vehicle body damage on the certificate of title to a motor vehicle. The rules must provide for a damage disclosure statement from the transferor to the transferee at the time ownership of a motor vehicle is transferred and provide that the department must refuse to transfer the title without the required damage disclosure statement.
2. Motor vehicle body damage disclosure requirements apply only to the transfer of title on ~~all current year models~~ of motor vehicles of a model year which have been released in the current calendar year and those models manufactured motor vehicles of a model year which were released in the seven calendar years before the current model calendar year. When a motor vehicle has been subject to this disclosure requirement and ~~more than eight years have elapsed since the date of manufacture~~ a motor vehicle of a model year has not been released in the current calendar year or the seven calendar years before the current calendar year, the holder of the certificate of title with the damage disclosure may have the disclosure removed and a new certificate of title issued for a fee of five dollars.
3. As used in this section, "motor vehicle damage" means a change in the body or structure of a motor vehicle, generally resulting from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage to the motor vehicle which equals or exceeds the greater of five thousand dollars or forty percent of the predamage retail value of the motor vehicle as determined by the national automobile dealers association official used car guide. The term does not include body or structural modifications, normal wear and tear, glass damage, hail damage, or items of normal maintenance and repair.
4. A person repairing, replacing parts, or performing body work on a motor vehicle ~~that is less than eight years old~~ of a model year which was released in the current calendar year or the seven calendar years before the current calendar year shall provide a statement to the owner of the motor vehicle when the motor vehicle has sustained motor vehicle damage requiring disclosure under this section. The owner shall disclose this damage when ownership of the motor vehicle is transferred. When a vehicle is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, the person repairing, replacing parts, or performing body

²³⁸ Section 39-05-17.2 was also amended by section 1 of Senate Bill No. 2321, chapter 338.

work on the motor vehicle ~~that is less than eight years old~~ of a model year which has been released in the current calendar year or the seven calendar years before the current calendar year shall also advise the owner of the motor vehicle that the owner of the vehicle must comply with section 39-05-20.2.

5. The amount of damage to a motor vehicle is determined by adding the retail value of all labor, parts, and material used in repairing the damage. When the retail value of labor has not been determined by a purchase in the ordinary course of business, for example when the labor is performed by the owner of the vehicle, the retail value of the labor is presumed to be the product of the repair time, as provided in a generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars.
6. A person who violates this section or rules adopted pursuant to this section is guilty of a class A misdemeanor.

²³⁹ **SECTION 5. AMENDMENT.** Subparagraph a of paragraph 3 of subdivision b of subsection 2 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

- (a) A double trailer, triple trailer, or, if under eighteen years of age, a truck tractor as defined in ~~subsection 85~~ of section 39-01-01.

SECTION 6. AMENDMENT. Section 39-18-01 of the North Dakota Century Code is amended and reenacted as follows:

39-18-01. Mobile home dealer's license - Fees - Dealer's plates. No person, partnership, corporation, or limited liability company may engage in the business of buying, selling, or exchanging of mobile homes or travel trailers, or advertise or hold oneself or itself out to the public as being in the business of buying, selling, or exchanging of mobile homes or travel trailers without first being licensed to do so as hereinafter provided.

Application for dealer's license and renewal license must be made to the department on such forms as the department prescribes and furnishes, and the application must be accompanied by an annual fee of thirty-five dollars for which must be issued one dealer plate. A dealer's license expires on December thirty-first of each year, and application for renewal of a dealer's license must be made on or before the expiration of the current dealer's license.

A mobile home dealer's license must be issued only to those who will maintain a permanent office and place of business, and an adequate service department, during the licensing year, and will abide by all the provisions of law pertaining to mobile home dealers.

In addition, the dealer shall maintain that person's business records in one central location.

²³⁹ Section 39-06-14 was also amended by section 2 of Senate Bill No. 2233, chapter 339.

Upon the payment of the fee of ten dollars for each additional plate, the department shall register and issue dealer's license plates for use on any mobile homes owned by the licensed dealer, and the mobile homes bearing the dealer's license plates may be lawfully operated upon the public highways of the state of North Dakota by the dealer, and the dealer's agents and servants, during the year of the registration. A dealer's license plates expire on December thirty-first of each year.

The term "mobile home" as used in this chapter includes and has the same meaning as "housetrailer", and both terms have the meaning prescribed in ~~subsection 82 of~~ section 39-01-01. The term "travel trailer" as used in this chapter has the meaning as prescribed in section 39-01-01.

Any mobile home dealer licensed under the provisions of this chapter may sell house cars without being licensed under the provisions of chapter 39-22. A mobile home dealer plate displayed on a house car must be displayed on the rear of the vehicle.

²⁴⁰ **SECTION 7. AMENDMENT.** Section 39-29.1-08 of the North Dakota Century Code as created by House Bill No. 1216, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

39-29.1-08. Equipment. A low-speed vehicle must be equipped with head lamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors on each side as far to the rear of the vehicle as practicable and one red reflector on the rear, ~~four-wheel hydraulic assist~~ brakes, a parking brake, a windshield, a vehicle identification number, a safety belt installed at each designated seating position, an exterior mirror mounted on the operator's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rear view mirror.

Approved April 14, 1999
Filed April 14, 1999

²⁴⁰ Section 39-29.1-08 was created by section 1 of House Bill No. 1216, chapter 361.

CHAPTER 331

SENATE BILL NO. 2159

(Transportation Committee)

(At the request of the Department of Transportation)

REST AREA VENDING MACHINE PERMITS

AN ACT to create and enact a new section to title 39 of the North Dakota Century Code, relating to rest area vending machine permits from the department of transportation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Permits for vending machines at rest areas. A vending machine that allows access to a tobacco product may not be placed or remain upon a rest area, and any other vending machine may not be placed or remain upon a rest area under the supervision of the director without a permit from the director. The director shall charge a fee for the issuance of a vending machine permit. The amount of the permit fee must relate to the department's actual cost of administration, annual review, and enforcement of the permit process, but may not exceed twenty-five dollars annually. The permit process may not be affected by the content of a publication. The director shall require permittees to comply with appropriate indemnification, insurance, and other risk management provisions of the permit. Vending machines must be secured in a manner that prevents tipping and moving, deters theft, and leaves state property undamaged. Plexiglass, safety glass, or other shatter resistant materials must be employed in windows or displays. All vending machines must be sufficiently enclosed to prevent the distributed product from inadvertently being removed or blown from the machine or weathered by the elements. Stolen or damaged vending machines do not result in liability to the department and must be repaired, restored, or replaced within thirty calendar days. All cash boxes and accesses to cash boxes must be metal and securely locked in place. All vending machines must be placed in a well-lighted area visible from the rest area roadway. All vending machines must be placed on a route allowing parallel access by motorized or standard wheelchairs, with at least sixty-six inches [1676.400 millimeters] of clear width. A vending machine may not have a component or function used by the public which requires more than five pounds [2.268 kilograms] of force to be applied. The height of controls, doors, or access points necessary for use by the public may not exceed sixty inches [1524 millimeters]. The director may determine the maximum number of vending machine placements at a given rest area. Priority must be given to vending machines placed pursuant to the Randolph Sheppard Act [Pub. L. 74-732; 49 Stat. 1559; 20 U.S.C. 107], as administered by the vocational rehabilitation division of the department of human services under section 50-06.1-13. When, after allowing for the placement of vending machines pursuant to the Randolph Sheppard Act, [Pub. L. 74-732; 49 Stat. 1559; 20 U.S.C. 107], the director determines that the number of permit applications for a particular rest area would exceed the remaining available space or would prevent compliance with this section or other law, the director shall grant permits by means of a lottery, with permits allocated pro rata according to the number of applications for each type. The permittee is solely responsible to ensure that any trash, wrapping, boxes, or debris, generated when stocking or servicing vending machines is not left on or at the rest area. The permittee is solely responsible for all installation, maintenance, replacement, inspection, access area cleaning, and stocking of vending machines. Vandalism and graffiti on vending machines must be repaired or

removed within fourteen days of written notice by the director. The permittee must inspect and stock vending machines as needed, but at least monthly, to provide adequate service to the public. Vending machines removed for repair or for other reasons must be restored or replaced by the permittee within thirty days. Vending machines in violation of this section or any other applicable law may be removed by the director fourteen days after notice of violation is provided and without liability to the director. Vending machines judged by the director to pose a risk to safety may be removed immediately without liability to the director and without prior notice to the permittee. The director shall retain any removed vending machines for thirty days to allow retrieval by the permittee, after compensation to the director for removal costs. The director may dispose of or sell machines not retrieved within thirty days of removal, but removal costs must be satisfied only to the extent of proceeds received by the director. The director has a cause of action to recover any deficiency, attorneys' fees, and litigation expenses. The director, upon the determination that a rest area must be closed for a period of greater than thirty days, may order the permittee, at the permittee's expense, to remove all vending machines in a manner that does not damage state property, or remove all product and money and place upon the vending machine a prominent notice that all product and money have been removed. Should the director determine that removal of vending machines is necessary to conduct repairs, construction, surveys, or other duties of the department, the permittee, at the permittee's expense, shall remove all vending machines in a manner that does not damage state property, upon fourteen days' notice. The current address and phone number where customer service or business is conducted by the permittee must be legibly and prominently posted upon the vending machine. The director shall cancel the permit should the permittee remove vending machines, except as provided in this section. The cost of any removal must be borne by the permittee. The permittee, at the permittee's own expense, must restore the site the machine formerly occupied to the satisfaction of the director. For purposes of this section, "vending machine" means any device that allows access to a newspaper, magazine, beverage, concession, or other item for public consumption or use. For purposes of this section, "permittee" means any person or organization, including any corporation, partnership, firm, or any other legal entity capable of owning property and transacting business, which has applied for a permit under this chapter. For purposes of this section, "notice" consists of a written communication and must be deemed to have occurred within seventy-two hours of mailing, if mailed within North Dakota, or one hundred twenty hours of mailing, if mailed outside North Dakota. "Notice" to a vendor of the condition of a vending machine also occurs if a period of time greater than the required inspection interval for the vending machines has passed.

Approved April 7, 1999

Filed April 8, 1999

CHAPTER 332**SENATE BILL NO. 2077**
(Transportation Committee)
(At the request of the Highway Patrol)**HIGHWAY PATROL BID PROCEDURES REPEAL**

AN ACT to repeal sections 39-03-08.1, 39-03-08.2, 39-03-08.3, 39-03-08.4, and 39-03-08.5 of the North Dakota Century Code, relating to highway patrol bid procedures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Sections 39-03-08.1, 39-03-08.2, 39-03-08.3, 39-03-08.4, and 39-03-08.5 of the North Dakota Century Code are repealed.

Approved March 4, 1999
Filed March 5, 1999

CHAPTER 333

HOUSE BILL NO. 1079

(Transportation Committee)
(At the request of the Highway Patrol)

HIGHWAY PATROL POWERS

AN ACT to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-03-09 of the North Dakota Century Code is created and enacted as follows:

Of a peace officer when responding to a request for emergency assistance requiring an immediate response regardless of whether the request is being made by another law enforcement agency or officer.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 31, 1999
Filed March 31, 1999

CHAPTER 334

HOUSE BILL NO. 1072

(Government and Veterans Affairs Committee)

(At the request of the Public Employees Retirement System)

HIGHWAY PATROLMEN'S RETIREMENT BENEFITS

AN ACT to amend and reenact subdivision a of subsection 1 of section 39-03.1-10.1 and subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code, relating to refunds and computation of retirement benefits under the highway patrolmen's retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision a of subsection 1 of section 39-03.1-10.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. If the contributor has less than ten years of service at termination of employment, the refund is payable either on application of the contributor; or, if within thirty days after termination the contributor has not provided a written statement to the board waiving the refund and requesting the contributor's account remain in the fund, automatically in January of the following calendar year.

SECTION 2. AMENDMENT. Subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

- a. Normal retirement benefits for all contributors reaching the normal retirement date are payable monthly, and are:
 - (1) The first twenty-five years of credited service multiplied by three and ~~twenty-five~~ forty hundredths percent of final average salary.
 - (2) All years in excess of twenty-five years of credited service multiplied by one and three-fourths percent of final average salary.
 - (3) All contributors who retired before August 1, ~~1997~~ 1999, are entitled to receive benefits equal to three and ~~twenty-five~~ forty hundredths percent of final average salary multiplied by the first twenty-five years of credited service, plus one and three-fourths percent of final average salary multiplied by credited service in excess of twenty-five years, with the increased benefits payable beginning August 1, ~~1997~~ 1999.

Approved March 19, 1999
Filed March 22, 1999

CHAPTER 335

HOUSE BILL NO. 1312 (Representatives Martinson, Maragos)

MOTORCYCLE AND TRAILER REGISTRATION

AN ACT to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to the registration of motorcycles and trailers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴¹ **SECTION 1. AMENDMENT.** Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. (Effective until June 30, 2000) Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle, or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:
 - a. Passenger motor vehicles:

YEARS REGISTERED

	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Gross Weights				
Less than 3,200	\$ 49.00	\$ 41.00	\$ 33.00	\$ 25.00
3,200-4,499	69.00	57.00	45.00	33.00
4,500-4,999	87.00	70.00	55.00	39.00
5,000-5,999	118.00	96.00	74.00	52.00
6,000-6,999	151.00	122.00	93.00	65.00
7,000-7,999	184.00	148.00	113.00	78.00
8,000-8,999	217.00	175.00	133.00	91.00
9,000 and over	250.00	201.00	153.00	104.00

²⁴¹ Section 39-04-19 was also amended by section 9 of House Bill No. 1012, chapter 12, and section 1 of House Bill No. 1183, chapter 336.

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
Not over 4,000	\$47.00	\$34.00	\$29.00	\$26.00
4,001- 6,000	52.00	39.00	33.00	27.00
6,001- 8,000	57.00	44.00	37.00	28.00
8,001-10,000	62.00	49.00	41.00	30.00
10,001-12,000	67.00	54.00	45.00	32.00
12,001-14,000	72.00	59.00	49.00	35.00
14,001-16,000	77.00	64.00	53.00	38.00
16,001-18,000	82.00	69.00	57.00	40.00
18,001-20,000	85.00	72.00	59.00	41.00

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001-22,000	\$115.00	\$89.00	\$76.00
22,001-26,000	167.00	137.00	121.00
26,001-30,000	228.00	186.00	164.00
30,001-34,000	294.00	239.00	211.00
34,001-38,000	355.00	288.00	254.00
38,001-42,000	416.00	337.00	296.00
42,001-46,000	477.00	385.00	339.00
46,001-50,000	538.00	434.00	382.00
50,001-54,000	608.00	492.00	433.00
54,001-58,000	669.00	541.00	476.00
58,001-62,000	730.00	590.00	519.00
62,001-66,000	791.00	638.00	562.00
66,001-70,000	852.00	687.00	604.00
70,001-74,000	913.00	736.00	647.00
74,001-78,000	974.00	785.00	690.00
78,001-82,000	1,035.00	834.00	733.00
82,001-86,000	1,158.00	939.00	820.00
86,001-90,000	1,280.00	1,043.00	907.00
90,001-94,000	1,402.00	1,148.00	994.00
94,001-98,000	1,524.00	1,253.00	1,082.00
98,001-102,000	1,646.00	1,357.00	1,169.00

102,001-105,500	1,768.00	1,462.00	1,256.00
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c. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars.
5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's 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 those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001-22,000	\$88.00	\$74.00	\$60.00	\$42.00
22,001-24,000	93.00	78.00	63.00	44.00
24,001-26,000	101.00	84.00	67.00	46.00
26,001-28,000	111.00	92.00	73.00	50.00
28,001-30,000	121.00	100.00	79.00	54.00
30,001-32,000	136.00	113.00	90.00	63.00
32,001-34,000	146.00	121.00	96.00	67.00
34,001-36,000	156.00	129.00	102.00	71.00
36,001-38,000	166.00	137.00	108.00	75.00
38,001-40,000	176.00	145.00	114.00	79.00
40,001-42,000	186.00	153.00	120.00	83.00
42,001-44,000	196.00	161.00	126.00	87.00
44,001-46,000	206.00	169.00	132.00	91.00
46,001-48,000	216.00	177.00	138.00	95.00
48,001-50,000	226.00	185.00	144.00	99.00
50,001-52,000	246.00	203.00	160.00	113.00
52,001-54,000	256.00	211.00	166.00	117.00
54,001-56,000	266.00	219.00	172.00	121.00
56,001-58,000	276.00	227.00	178.00	125.00
58,001-60,000	286.00	235.00	184.00	129.00
60,001-62,000	296.00	243.00	190.00	133.00
62,001-64,000	306.00	251.00	196.00	137.00
64,001-66,000	316.00	259.00	202.00	141.00
66,001-68,000	326.00	267.00	208.00	145.00
68,001-70,000	336.00	275.00	214.00	149.00
70,001-72,000	346.00	283.00	220.00	153.00
72,001-74,000	356.00	291.00	226.00	157.00
74,001-76,000	366.00	299.00	232.00	161.00
76,001-78,000	376.00	307.00	238.00	165.00
78,001-80,000	386.00	315.00	244.00	169.00
80,001-82,000	396.00	323.00	250.00	173.00
82,001-84,000	406.00	345.00	293.00	249.00
84,001-86,000	426.00	362.00	307.00	261.00
86,001-88,000	446.00	379.00	321.00	273.00
88,001-90,000	466.00	396.00	335.00	285.00
90,001-92,000	486.00	413.00	349.00	297.00
92,001-94,000	506.00	430.00	363.00	309.00
94,001-96,000	526.00	447.00	377.00	321.00
96,001-98,000	546.00	464.00	391.00	333.00
98,001-100,000	566.00	481.00	405.00	345.00
100,001-102,000	586.00	498.00	419.00	357.00
102,001-104,000	606.00	515.00	433.00	369.00
104,001-105,500	626.00	532.00	447.00	381.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

(Effective June 30, 2000) Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle, or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:
 - a. Passenger motor vehicles:

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, and 5th Years	6th, 7th, and 8th Years	9th, 10th, and 11th Years	12th and Subsequent Years
Less than 3,200	\$49.00	\$41.00	\$33.00	\$25.00
3,200-4,499	69.00	57.00	45.00	33.00
4,500-4,999	87.00	70.00	55.00	39.00
5,000-5,999	118.00	96.00	74.00	52.00
6,000-6,999	151.00	122.00	93.00	65.00
7,000-7,999	184.00	148.00	113.00	78.00
8,000-8,999	217.00	175.00	133.00	91.00
9,000 and over	250.00	201.00	153.00	104.00

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
Not over 4,000	\$47.00	\$34.00	\$29.00	\$26.00
4,001-6,000	52.00	39.00	33.00	27.00
6,001-8,000	57.00	44.00	37.00	28.00
8,001-10,000	62.00	49.00	41.00	30.00
10,001-12,000	67.00	54.00	45.00	32.00

12,001-14,000	72.00	59.00	49.00	35.00
14,001-16,000	77.00	64.00	53.00	38.00
16,001-18,000	82.00	69.00	57.00	40.00
18,001-20,000	85.00	72.00	59.00	41.00

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, 9th, 10th, and 11th Years	12th and Subsequent Years
20,001-22,000	\$115.00	\$89.00	\$76.00
22,001-26,000	167.00	137.00	121.00
26,001-30,000	228.00	186.00	164.00
30,001-34,000	294.00	239.00	211.00
34,001-38,000	355.00	288.00	254.00
38,001-42,000	416.00	337.00	296.00
42,001-46,000	477.00	385.00	339.00
46,001-50,000	538.00	434.00	382.00
50,001-54,000	608.00	492.00	433.00
54,001-58,000	669.00	541.00	476.00
58,001-62,000	730.00	590.00	519.00
62,001-66,000	791.00	638.00	562.00
66,001-70,000	852.00	687.00	604.00
70,001-74,000	913.00	736.00	647.00
74,001-78,000	974.00	785.00	690.00
78,001-82,000	1,035.00	834.00	733.00
82,001-86,000	1,158.00	939.00	820.00
86,001-90,000	1,280.00	1,043.00	907.00
90,001-94,000	1,402.00	1,148.00	994.00
94,001-98,000	1,524.00	1,253.00	1,082.00
98,001-102,000	1,646.00	1,357.00	1,169.00
102,001-105,500	1,768.00	1,462.00	1,256.00

c. Motorcycles, fifteen dollars.

- Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
- Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars.
- Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this

subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's 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 those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
20,001-22,000	\$88.00	\$74.00	\$60.00	\$42.00
22,001-24,000	93.00	78.00	63.00	44.00
24,001-26,000	101.00	84.00	67.00	46.00
26,001-28,000	111.00	92.00	73.00	50.00
28,001-30,000	121.00	100.00	79.00	54.00
30,001-32,000	136.00	113.00	90.00	63.00
32,001-34,000	146.00	121.00	96.00	67.00
34,001-36,000	156.00	129.00	102.00	71.00
36,001-38,000	166.00	137.00	108.00	75.00
38,001-40,000	176.00	145.00	114.00	79.00
40,001-42,000	186.00	153.00	120.00	83.00
42,001-44,000	196.00	161.00	126.00	87.00
44,001-46,000	206.00	169.00	132.00	91.00
46,001-48,000	216.00	177.00	138.00	95.00
48,001-50,000	226.00	185.00	144.00	99.00
50,001-52,000	246.00	203.00	160.00	113.00
52,001-54,000	256.00	211.00	166.00	117.00
54,001-56,000	266.00	219.00	172.00	121.00
56,001-58,000	276.00	227.00	178.00	125.00
58,001-60,000	286.00	235.00	184.00	129.00
60,001-62,000	296.00	243.00	190.00	133.00
62,001-64,000	306.00	251.00	196.00	137.00
64,001-66,000	316.00	259.00	202.00	141.00
66,001-68,000	326.00	267.00	208.00	145.00
68,001-70,000	336.00	275.00	214.00	149.00
70,001-72,000	346.00	283.00	220.00	153.00
72,001-74,000	356.00	291.00	226.00	157.00
74,001-76,000	366.00	299.00	232.00	161.00
76,001-78,000	376.00	307.00	238.00	165.00
78,001-80,000	386.00	315.00	244.00	169.00
80,001-82,000	396.00	323.00	250.00	173.00
82,001-84,000	406.00	345.00	293.00	249.00
84,001-86,000	426.00	362.00	307.00	261.00
86,001-88,000	446.00	379.00	321.00	273.00
88,001-90,000	466.00	396.00	335.00	285.00

90,001-92,000	486.00	413.00	349.00	297.00
92,001-94,000	506.00	430.00	363.00	309.00
94,001-96,000	526.00	447.00	377.00	321.00
96,001-98,000	546.00	464.00	391.00	333.00
98,001-100,000	566.00	481.00	405.00	345.00
100,001-102,000	586.00	498.00	419.00	357.00
102,001-104,000	606.00	515.00	433.00	369.00
104,001-105,500	626.00	532.00	447.00	381.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

Approved March 15, 1999

Filed March 15, 1999

CHAPTER 336

HOUSE BILL NO. 1183

(Transportation Committee)

(At the request of the Department of Transportation)

MOTOR VEHICLE REGISTRATION FEES AND FUEL TAXES

AN ACT to amend and reenact sections 39-04-19, 57-43.1-02, and 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle registration fees, motor vehicle fuel taxes, and special fuel taxes; to provide for a legislative council study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴² **SECTION 1. AMENDMENT.** Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. (~~Effective until June 30, 2000~~) Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:
 - a. Passenger motor vehicles:

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	\$49.00 <u>50.00</u>	\$41.00 <u>42.00</u>	\$33.00 <u>34.00</u>	\$25.00 <u>26.00</u>
3,200-4,499	69.00 <u>70.00</u>	57.00 <u>58.00</u>	45.00 <u>46.00</u>	33.00 <u>34.00</u>
4,500-4,999	87.00 <u>88.00</u>	70.00 <u>71.00</u>	55.00 <u>56.00</u>	39.00 <u>40.00</u>
5,000-5,999	118.00 <u>119.00</u>	96.00 <u>97.00</u>	74.00 <u>75.00</u>	52.00 <u>53.00</u>
6,000-6,999	151.00 <u>152.00</u>	122.00 <u>123.00</u>	93.00 <u>94.00</u>	65.00 <u>66.00</u>

²⁴² Section 39-04-19 was also amended by section 9 of House Bill No. 1012, chapter 12, and section 1 of House Bill No. 1312, chapter 335.

7,000-7,999	184.00 <u>185.00</u>	148.00 <u>149.00</u>	113.00 <u>114.00</u>	78.00 <u>79.00</u>
8,000-8,999	217.00 <u>218.00</u>	175.00 <u>176.00</u>	133.00 <u>134.00</u>	91.00 <u>92.00</u>
9,000 and over	250.00 <u>251.00</u>	201.00 <u>202.00</u>	153.00 <u>154.00</u>	104.00 <u>105.00</u>

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and through 6th Years		7th and 8th through 9th Years		9th and 10th through 12th Years		11th and Subsequent 13th through 19th Years		20th and Subsequent Years
	Not over 4,000	47.00 <u>48.00</u>	34.00 <u>35.00</u>	29.00 <u>30.00</u>	26.00 <u>27.00</u>	27.00 <u>28.00</u>	26.00 <u>27.00</u>	27.00 <u>28.00</u>	27.00 <u>28.00</u>
4,001- 6,000	52.00 <u>53.00</u>	39.00 <u>40.00</u>	33.00 <u>34.00</u>	27.00 <u>28.00</u>	27.00 <u>28.00</u>	27.00 <u>28.00</u>	27.00 <u>28.00</u>	27.00 <u>28.00</u>	27.00 <u>28.00</u>
6,001- 8,000	57.00 <u>58.00</u>	44.00 <u>45.00</u>	37.00 <u>38.00</u>	28.00 <u>29.00</u>	28.00 <u>29.00</u>	28.00 <u>29.00</u>	28.00 <u>29.00</u>	28.00 <u>29.00</u>	28.00 <u>29.00</u>
8,001-10,000	62.00 <u>63.00</u>	49.00 <u>50.00</u>	41.00 <u>42.00</u>	30.00 <u>31.00</u>	30.00 <u>31.00</u>	30.00 <u>31.00</u>	30.00 <u>31.00</u>	30.00 <u>31.00</u>	30.00 <u>31.00</u>
10,001-12,000	67.00 <u>68.00</u>	54.00 <u>55.00</u>	45.00 <u>46.00</u>	32.00 <u>33.00</u>	32.00 <u>33.00</u>	32.00 <u>33.00</u>	32.00 <u>33.00</u>	32.00 <u>33.00</u>	32.00 <u>33.00</u>
12,001-14,000	72.00 <u>73.00</u>	59.00 <u>60.00</u>	49.00 <u>50.00</u>	35.00 <u>36.00</u>	35.00 <u>36.00</u>	35.00 <u>36.00</u>	35.00 <u>36.00</u>	35.00 <u>36.00</u>	35.00 <u>36.00</u>
14,001-16,000	77.00 <u>78.00</u>	64.00 <u>65.00</u>	53.00 <u>54.00</u>	38.00 <u>39.00</u>	38.00 <u>39.00</u>	38.00 <u>39.00</u>	38.00 <u>39.00</u>	38.00 <u>39.00</u>	38.00 <u>39.00</u>
16,001-18,000	82.00 <u>83.00</u>	69.00 <u>70.00</u>	57.00 <u>58.00</u>	40.00 <u>41.00</u>	40.00 <u>41.00</u>	40.00 <u>41.00</u>	40.00 <u>41.00</u>	40.00 <u>41.00</u>	40.00 <u>41.00</u>
18,001-20,000	85.00 <u>86.00</u>	72.00 <u>73.00</u>	59.00 <u>60.00</u>	41.00 <u>42.00</u>	41.00 <u>42.00</u>	41.00 <u>42.00</u>	41.00 <u>42.00</u>	41.00 <u>42.00</u>	41.00 <u>42.00</u>

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years		8th, 9th, 10th, 11th, and 12th Years		13th and Subsequent Years	
	20,001- 22,000	415.00 <u>116.00</u>	89.00 <u>90.00</u>	76.00 <u>77.00</u>	76.00 <u>77.00</u>	76.00 <u>77.00</u>
22,001- 26,000	167.00 <u>168.00</u>	137.00 <u>138.00</u>	121.00 <u>122.00</u>	121.00 <u>122.00</u>	121.00 <u>122.00</u>	122.00 <u>123.00</u>
26,001- 30,000	228.00 <u>229.00</u>	186.00 <u>187.00</u>	164.00 <u>165.00</u>	164.00 <u>165.00</u>	164.00 <u>165.00</u>	165.00 <u>166.00</u>
30,001- 34,000	294.00 <u>295.00</u>	239.00 <u>240.00</u>	211.00 <u>212.00</u>	211.00 <u>212.00</u>	211.00 <u>212.00</u>	212.00 <u>213.00</u>
34,001- 38,000	355.00 <u>356.00</u>	288.00 <u>289.00</u>	254.00 <u>255.00</u>	254.00 <u>255.00</u>	254.00 <u>255.00</u>	255.00 <u>256.00</u>
38,001- 42,000	416.00 <u>417.00</u>	337.00 <u>338.00</u>	296.00 <u>297.00</u>	296.00 <u>297.00</u>	296.00 <u>297.00</u>	297.00 <u>298.00</u>
42,001- 46,000	477.00 <u>478.00</u>	385.00 <u>386.00</u>	339.00 <u>340.00</u>	339.00 <u>340.00</u>	339.00 <u>340.00</u>	340.00 <u>341.00</u>
46,001- 50,000	538.00 <u>539.00</u>	434.00 <u>435.00</u>	382.00 <u>383.00</u>	382.00 <u>383.00</u>	382.00 <u>383.00</u>	383.00 <u>384.00</u>
50,001- 54,000	608.00 <u>609.00</u>	492.00 <u>493.00</u>	433.00 <u>434.00</u>	433.00 <u>434.00</u>	433.00 <u>434.00</u>	434.00 <u>435.00</u>
54,001- 58,000	669.00 <u>670.00</u>	541.00 <u>542.00</u>	476.00 <u>477.00</u>	476.00 <u>477.00</u>	476.00 <u>477.00</u>	477.00 <u>478.00</u>
58,001- 62,000	730.00 <u>731.00</u>	590.00 <u>591.00</u>	519.00 <u>520.00</u>	519.00 <u>520.00</u>	519.00 <u>520.00</u>	520.00 <u>521.00</u>
62,001- 66,000	791.00 <u>792.00</u>	638.00 <u>639.00</u>	562.00 <u>563.00</u>	562.00 <u>563.00</u>	562.00 <u>563.00</u>	563.00 <u>564.00</u>
66,001- 70,000	852.00 <u>853.00</u>	687.00 <u>688.00</u>	604.00 <u>605.00</u>	604.00 <u>605.00</u>	604.00 <u>605.00</u>	605.00 <u>606.00</u>
70,001- 74,000	913.00 <u>914.00</u>	736.00 <u>737.00</u>	647.00 <u>648.00</u>	647.00 <u>648.00</u>	647.00 <u>648.00</u>	648.00 <u>649.00</u>
74,001- 78,000	974.00 <u>975.00</u>	785.00 <u>786.00</u>	690.00 <u>691.00</u>	690.00 <u>691.00</u>	690.00 <u>691.00</u>	691.00 <u>692.00</u>
78,001- 82,000	1,035.00 <u>1,036.00</u>	834.00 <u>835.00</u>	733.00 <u>734.00</u>	733.00 <u>734.00</u>	733.00 <u>734.00</u>	734.00 <u>735.00</u>
82,001- 86,000	1,158.00 <u>1,159.00</u>	939.00 <u>940.00</u>	820.00 <u>821.00</u>	820.00 <u>821.00</u>	820.00 <u>821.00</u>	821.00 <u>822.00</u>

86,001- 90,000	1,280.00	<u>1,281.00</u>	1,043.00	<u>1,044.00</u>	907.00	<u>908.00</u>
90,001- 94,000	1,402.00	<u>1,403.00</u>	1,148.00	<u>1,149.00</u>	994.00	<u>995.00</u>
94,001- 98,000	1,524.00	<u>1,525.00</u>	1,253.00	<u>1,254.00</u>	1,082.00	<u>1,083.00</u>
98,001-102,000	1,646.00	<u>1,647.00</u>	1,357.00	<u>1,358.00</u>	1,169.00	<u>1,170.00</u>
102,001-105,500	1,768.00	<u>1,769.00</u>	1,462.00	<u>1,463.00</u>	1,256.00	<u>1,257.00</u>

c. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars.
5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's 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 those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001- 22,000	\$88.00	\$74.00	\$60.00	\$42.00
22,001- 24,000	93.00	78.00	63.00	44.00
24,001- 26,000	101.00	84.00	67.00	46.00
26,001- 28,000	111.00	92.00	73.00	50.00
28,001- 30,000	121.00	100.00	79.00	54.00
30,001- 32,000	136.00	113.00	90.00	63.00
32,001- 34,000	146.00	121.00	96.00	67.00
34,001- 36,000	156.00	129.00	102.00	71.00
36,001- 38,000	166.00	137.00	108.00	75.00

38,001- 40,000	176.00	145.00	114.00	79.00
40,001- 42,000	186.00	153.00	120.00	83.00
42,001- 44,000	196.00	161.00	126.00	87.00
44,001- 46,000	206.00	169.00	132.00	91.00
46,001- 48,000	216.00	177.00	138.00	95.00
48,001- 50,000	226.00	185.00	144.00	99.00
50,001- 52,000	246.00	203.00	160.00	113.00
52,001- 54,000	256.00	211.00	166.00	117.00
54,001- 56,000	266.00	219.00	172.00	121.00
56,001- 58,000	276.00	227.00	178.00	125.00
58,001- 60,000	286.00	235.00	184.00	129.00
60,001- 62,000	296.00	243.00	190.00	133.00
62,001- 64,000	306.00	251.00	196.00	137.00
64,001- 66,000	316.00	259.00	202.00	141.00
66,001- 68,000	326.00	267.00	208.00	145.00
68,001- 70,000	336.00	275.00	214.00	149.00
70,001- 72,000	346.00	283.00	220.00	153.00
72,001- 74,000	356.00	291.00	226.00	157.00
74,001- 76,000	366.00	299.00	232.00	161.00
76,001- 78,000	376.00	307.00	238.00	165.00
78,001- 80,000	386.00	315.00	244.00	169.00
80,001- 82,000	396.00	323.00	250.00	173.00
82,001- 84,000	406.00	345.00	293.00	249.00
84,001- 86,000	426.00	362.00	307.00	261.00
86,001- 88,000	446.00	379.00	321.00	273.00
88,001- 90,000	466.00	396.00	335.00	285.00
90,001- 92,000	486.00	413.00	349.00	297.00
92,001- 94,000	506.00	430.00	363.00	309.00
94,001- 96,000	526.00	447.00	377.00	321.00
96,001- 98,000	546.00	464.00	391.00	333.00
98,001-100,000	566.00	481.00	405.00	345.00
100,001-102,000	586.00	498.00	419.00	357.00
102,001-104,000	606.00	515.00	433.00	369.00
104,001-105,500	626.00	532.00	447.00	381.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

(Effective June 30, 2000) Motor vehicle registration fees and mile tax: Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:
 - a. Passenger motor vehicles:

-YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, and 5th Years	6th, 7th, and 8th Years	9th, 10th, and 11th Years	12th and Subsequent Years
Less than 3,200	\$49.00	\$41.00	\$33.00	\$25.00
3,200-4,499	69.00	57.00	45.00	33.00
4,500-4,999	87.00	70.00	55.00	39.00
5,000-5,999	118.00	96.00	74.00	52.00
6,000-6,999	151.00	122.00	93.00	65.00
7,000-7,999	184.00	148.00	113.00	78.00
8,000-8,999	217.00	175.00	133.00	91.00
9,000 and over	250.00	201.00	153.00	104.00

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

-YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
Not over 4,000	\$47.00	\$34.00	\$29.00	\$26.00
4,001- 6,000	52.00	39.00	33.00	27.00
6,001- 8,000	57.00	44.00	37.00	28.00
8,001-10,000	62.00	49.00	41.00	30.00
10,001-12,000	67.00	54.00	45.00	32.00
12,001-14,000	72.00	59.00	49.00	35.00
14,001-16,000	77.00	64.00	53.00	38.00
16,001-18,000	82.00	69.00	57.00	40.00
18,001-20,000	85.00	72.00	59.00	41.00

-YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, 9th, 10th, and 11th Years	12th and Subsequent Years
20,001- 22,000	\$115.00	\$89.00	\$76.00
22,001- 26,000	167.00	137.00	121.00
26,001- 30,000	228.00	186.00	164.00
30,001- 34,000	294.00	239.00	211.00
34,001- 38,000	355.00	288.00	254.00

38,001- 42,000	416.00	337.00	296.00
42,001- 46,000	477.00	385.00	339.00
46,001- 50,000	538.00	434.00	382.00
50,001- 54,000	608.00	492.00	433.00
54,001- 58,000	669.00	541.00	476.00
58,001- 62,000	730.00	590.00	519.00
62,001- 66,000	791.00	638.00	562.00
66,001- 70,000	852.00	687.00	604.00
70,001- 74,000	913.00	736.00	647.00
74,001- 78,000	974.00	785.00	690.00
78,001- 82,000	1,035.00	834.00	733.00
82,001- 86,000	1,158.00	939.00	820.00
86,001- 90,000	1,280.00	1,043.00	907.00
90,001- 94,000	1,402.00	1,148.00	994.00
94,001- 98,000	1,524.00	1,253.00	1,082.00
98,001-102,000	1,646.00	1,357.00	1,169.00
102,001-105,500	1,768.00	1,462.00	1,256.00

e. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars.
5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's 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 those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

-YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
20,001- 22,000	\$88.00	\$74.00	\$60.00	\$42.00
22,001- 24,000	93.00	78.00	63.00	44.00
24,001- 26,000	101.00	84.00	67.00	46.00
26,001- 28,000	111.00	92.00	73.00	50.00
28,001- 30,000	121.00	100.00	79.00	54.00
30,001- 32,000	136.00	113.00	90.00	63.00
32,001- 34,000	146.00	121.00	96.00	67.00
34,001- 36,000	156.00	129.00	102.00	71.00
36,001- 38,000	166.00	137.00	108.00	75.00
38,001- 40,000	176.00	145.00	114.00	79.00
40,001- 42,000	186.00	153.00	120.00	83.00
42,001- 44,000	196.00	161.00	126.00	87.00
44,001- 46,000	206.00	169.00	132.00	91.00
46,001- 48,000	216.00	177.00	138.00	95.00
48,001- 50,000	226.00	185.00	144.00	99.00
50,001- 52,000	246.00	203.00	160.00	113.00
52,001- 54,000	256.00	211.00	166.00	117.00
54,001- 56,000	266.00	219.00	172.00	121.00
56,001- 58,000	276.00	227.00	178.00	125.00
58,001- 60,000	286.00	235.00	184.00	129.00
60,001- 62,000	296.00	243.00	190.00	133.00
62,001- 64,000	306.00	251.00	196.00	137.00
64,001- 66,000	316.00	259.00	202.00	141.00
66,001- 68,000	326.00	267.00	208.00	145.00
68,001- 70,000	336.00	275.00	214.00	149.00
70,001- 72,000	346.00	283.00	220.00	153.00
72,001- 74,000	356.00	291.00	226.00	157.00
74,001- 76,000	366.00	299.00	232.00	161.00
76,001- 78,000	376.00	307.00	238.00	165.00
78,001- 80,000	386.00	315.00	244.00	169.00
80,001- 82,000	396.00	323.00	250.00	173.00
82,001- 84,000	406.00	345.00	293.00	249.00
84,001- 86,000	426.00	362.00	307.00	261.00
86,001- 88,000	446.00	379.00	321.00	273.00
88,001- 90,000	466.00	396.00	335.00	285.00
90,001- 92,000	486.00	413.00	349.00	297.00
92,001- 94,000	506.00	430.00	363.00	309.00
94,001- 96,000	526.00	447.00	377.00	321.00
96,001- 98,000	546.00	464.00	391.00	333.00
98,001- 100,000	566.00	481.00	405.00	345.00
100,001- 102,000	586.00	498.00	419.00	357.00
102,001- 104,000	606.00	515.00	433.00	369.00
104,001- 105,500	626.00	532.00	447.00	381.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

²⁴³ **SECTION 2. AMENDMENT.** Section 57-43.1-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.1-02. (~~Effective through December 31, 1999~~) Tax imposed on motor vehicle fuels.

1. Except as otherwise provided in this section, a tax of ~~twenty~~ twenty-one cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. The dealer shall collect the tax imposed by this section from the consumer on all sales.
3. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax.

(~~Effective after December 31, 1999~~) Tax imposed on motor vehicle fuels.

- ~~1. Except as otherwise provided in this section, a tax of seventeen cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.~~
- ~~2. The dealer shall collect the tax imposed by this section from the consumer on all sales.~~
- ~~3. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax.~~

²⁴⁴ **SECTION 3. AMENDMENT.** Section 57-43.2-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.2-02. (~~Effective through December 31, 1999~~) Tax imposed.

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty~~ twenty-one cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any consumer. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
2. The dealer shall remit the tax imposed by this section on all sales to consumers.

²⁴³ Section 57-43.1-02 was also amended by section 2 of Senate Bill No. 2177, chapter 526, and section 1 of House Bill No. 1130, chapter 527.

²⁴⁴ Section 57-43.2-02 was also amended by section 32 of Senate Bill No. 2177, chapter 526, and section 2 of House Bill No. 1130, chapter 527.

3. The dealer may make sales of special fuel to another dealer free of the tax imposed by this chapter.

~~(Effective after December 31, 1999) Tax imposed.~~

1. ~~Except as otherwise provided in this chapter, an excise tax of seventeen cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any consumer. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.~~
2. ~~The dealer shall remit the tax imposed by this section on all sales to consumers.~~
3. ~~The dealer may make sales of special fuel to another dealer free of the tax imposed by this chapter.~~

SECTION 4. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying during the 1999-2000 interim the various sources of revenues for highway funding and comparisons with other states' highway funding systems to develop an optimum blend of reliable funding sources for highway purposes. If the legislative council conducts this study, the council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-seventh legislative assembly.

SECTION 5. EFFECTIVE DATE. Section 1 of this Act is effective for registration fees due after July 31, 1999. Sections 2 and 3 of this Act are effective for sale, use, or delivery of motor vehicle fuel and special fuel after June 30, 1999.

Approved April 22, 1999
Filed April 22, 1999

CHAPTER 337

HOUSE BILL NO. 1380

(Representatives Weisz, Thorpe, Tollefson)
(Senators Nething, O'Connell)

PUBLIC TRANSPORTATION FUND

AN ACT to amend and reenact sections 39-04.2-03 and 39-04.2-04 of the North Dakota Century Code, relating to the public transportation fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04.2-03 of the North Dakota Century Code is amended and reenacted as follows:

39-04.2-03. Additional registration fee - Deposit in fund. At the time of registering a motor vehicle subject to registration under section 39-04-19, the owner shall pay to the director in addition to the registration fee a fee of ~~one dollar~~ two dollars for each motor vehicle registered. The fee must be deposited with the state treasurer, who shall credit the fee to the public transportation fund.

SECTION 2. AMENDMENT. Section 39-04.2-04 of the North Dakota Century Code is amended and reenacted as follows:

39-04.2-04. Distribution of funds.

1. Moneys appropriated by the legislative assembly to the public transportation fund must be disbursed under guidelines issued by the director. The funds must be used by transportation providers to establish and maintain public transportation, especially for the elderly and handicapped, and may be used to contract to provide public transportation, as matching funds to procure money from other sources for public transportation and for other expenditures authorized by the director.
2. Following authorization of the director, the state treasurer shall pay the public transportation funds to transportation providers in each county. Each county shall receive ~~six~~ twelve thousand ~~one~~ two hundred dollars plus ~~fifty cents~~ one dollar per capita of population in the county, based upon the latest regular or special official federal census. Each year the director shall increase or decrease the ~~fifty cents~~ one dollar per capita amount in order to distribute all funds appropriated for the biennium. If there are multiple transportation providers in one county, then the base amount of ~~six~~ twelve thousand ~~one~~ two hundred dollars must be divided equally among the providers and the additional per capita amount must be based upon the percentage of elderly and handicapped ridership provided by each transportation provider within the county.

3. Unless otherwise provided by law, any moneys remaining in the fund at the end of each biennium must be ~~put back into~~ retained in the public transportation fund for redistribution.

Approved April 7, 1999
Filed April 8, 1999

CHAPTER 338

SENATE BILL NO. 2321

(Senator Tomac)
(Representatives Mickelson, Renner)

VEHICLE DAMAGE DISCLOSURE

AN ACT to amend and reenact sections 39-05-17.2 and 39-05-20.2 of the North Dakota Century Code, relating to vehicle damage disclosure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴⁵ **SECTION 1. AMENDMENT.** Section 39-05-17.2 of the North Dakota Century Code is amended and reenacted as follows:

39-05-17.2. Body damage disclosure - Rules - When required - Penalty.

1. The department shall adopt rules relating to the manner and form of disclosing motor vehicle body damage on the certificate of title to a motor vehicle. The rules must provide for a damage disclosure statement from the transferor to the transferee at the time ownership of a motor vehicle is transferred and provide that the department ~~must refuse to~~ may not transfer the title without the required damage disclosure statement.
2. Motor vehicle body damage disclosure requirements apply only to the transfer of title on all current year models of motor vehicles and those models manufactured in the seven years before the current model year. When a motor vehicle has been subject to this disclosure requirement and more than eight years have elapsed since the date of manufacture, the holder of the certificate of title with the damage disclosure may have the disclosure removed and a new certificate of title issued for a fee of five dollars.
3. As used in this section, "motor vehicle body damage" means a change in the body or structure of a motor vehicle, generally resulting from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage to the motor vehicle which equals or exceeds the greater of five eight thousand dollars or forty percent of the predamage retail value of the motor vehicle as determined by the national automobile dealers association official used car guide. The term does not include body or structural modifications, normal wear and tear, glass damage, hail damage, or items of normal maintenance and repair.
4. A person repairing, replacing parts, or performing body work on a motor vehicle that is less than eight years old shall provide a statement

²⁴⁵ Section 39-05-17.2 was also amended by section 4 of Senate Bill No. 2161, chapter 330.

to the owner of the motor vehicle when the motor vehicle has sustained motor vehicle body damage requiring disclosure under this section. The owner shall disclose this damage when ownership of the motor vehicle is transferred. When a vehicle is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, the person repairing, replacing parts, or performing body work on the motor vehicle that is less than eight years old shall also advise the owner of the motor vehicle that the owner of the vehicle must comply with section 39-05-20.2.

5. The amount of damage to a motor vehicle is determined by adding the retail value of all labor, parts, and material used in repairing the damage. When the retail value of labor has not been determined by a purchase in the ordinary course of business, for example when the labor is performed by the owner of the vehicle, the retail value of the labor is presumed to be the product of the repair time, as provided in a generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars.
6. A person who violates this section or rules adopted pursuant to this section is guilty of a class A misdemeanor.

SECTION 2. AMENDMENT. Section 39-05-20.2 of the North Dakota Century Code is amended and reenacted as follows:

39-05-20.2. Issuance of salvage certificate of title. The owner of a vehicle that is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title.

If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The applicant shall include with the application a certificate of inspection in the form required by the department, the salvage certificate of title, and a five dollar fee. The department shall place on the regular certificate of title and on all subsequent certificates of title issued for the vehicle; the words "previously salvaged" and a notation that damage disclosure information is available from the department. The department may not issue a new certificate unless the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application or unless other proof of the identity of the vehicle has been provided to the satisfaction of the department.

Approved March 26, 1999
Filed March 26, 1999

CHAPTER 339

SENATE BILL NO. 2233

(Senator Cook)

(Representatives R. Kelsch, Porter)

OPERATOR'S LICENSE PHOTOGRAPH BACKGROUND

AN ACT to amend and reenact sections 39-06-03.1, 39-06-14, and 39-06-19 of the North Dakota Century Code, relating to the photograph background for operator's licenses and identification cards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴⁶ **SECTION 1. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.

1. The director shall issue upon request a nondriver color photo identification card to any North Dakota resident of the age of twelve years or over who fulfills the requirements of this section. The director may issue upon request a nondriver color photo identification card to any North Dakota resident under twelve years of age who fulfills the requirements of this section, except that the form of verification of the name and the date of birth is in the director's discretion, as is the manner in which the records are kept. A nondriver color photo identification card issued to a resident under twelve years of age expires on the twelfth birthday of that resident. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license ~~of an operator under the age of twenty-one years~~ for an operator of that age.
2. 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:
 - a. Birth certificate.
 - b. Any other documentary evidence which confirms to the satisfaction of the examining officer the true identity and date of birth of the applicant.
3. The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.

²⁴⁶ Section 39-06-03.1 was also amended by section 2 of House Bill No. 1182, chapter 340.

4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.
6. The director is hereby authorized to utilize whatever advertising deemed necessary to make the public aware of the card and its use.
7. Identification cards issued pursuant to this section shall be sufficient identification whenever identification is required.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making such application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender such card to the director. When a cancellation is in effect, any law enforcement officer may take custody of such card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.

²⁴⁷ **SECTION 2. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

39-06-14. Licenses issued to operators - General - Classified driver's license.

1. The director, upon payment of a ten dollar fee, shall issue to every qualified applicant an operator's license as applied for in the form prescribed by the director. The license must 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 the licensee's usual signature. If the licensee is under the age of eighteen, the photograph must be against a color border or background that is different from the color used for other licensees. If the licensee is at least the age of eighteen and is under the age of twenty-one, the photograph must be against a color border or background that is different from the color used for other licensees. If requested on the license application, the license issued by the director must include a statement making an anatomical gift under chapter 23-06.2. No license is valid until it has been signed by the licensee with

²⁴⁷ Section 39-06-14 was also amended by section 5 of Senate Bill No. 2161, chapter 330.

the licensee's usual signature. The department shall develop a system to require each applicant for an operator's license or renewal of an operator's license to determine whether or not the applicant wishes to be a donor under chapter 23-06.2. For purposes of verification, an officer may require the licensee to write the licensee's signature in the presence of the officer. The director may adopt rules, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses. The photograph may be produced by digital imaging or other electronic means and is not a public record.

2. a. All applicants holding a valid North Dakota operator's license making application for renewal must be issued a class D license without being subjected to an examination as herein provided.
- b. All applicants, except those holding a valid North Dakota operator's license who will be issued a class D license, applying for issuance of operator licenses must 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 as provided in section 39-06.2-09, or as follows:
 - (1) Class D. Any single vehicle with a gross vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms]. A driver with a class D license may operate a farm tractor towing another vehicle having a gross weight in excess of ten thousand pounds [4535.92 kilograms], and a truck towing a trailer, semitrailer, or farm trailer when the gross weight of the trailer, semitrailer, or farm trailer, not including the weight of the towing vehicle, does not exceed sixteen thousand pounds [7257.48 kilograms].
 - (2) A house car or a vehicle towing a travel trailer being used solely for personal purposes may be driven with a class D license.
 - (3) Farm exemption. The holder of a class D license may operate any two-axle or tandem-axle motor vehicle, a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds [2721.55 kilograms], and a truck or truck tractor towing a trailer, semitrailer, or farm trailer exempted under subsection 3 of section 39-06.2-06, except:
 - (a) A double trailer, triple trailer, or, if under eighteen years of age, a truck tractor as defined in subsection 85 of section 39-01-01.
 - (b) A bus designed to carry sixteen or more passengers, including the driver.
 - (4) Class M. 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 motorized bicycles, tractors, and vehicles on which the operator or

- passengers, or both, ride within an enclosed cab. A class M vehicle may not be operated under a class A, B, C, or D license.
- c. The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination.
 - d. The holder of a class A, B, or C license may drive any vehicle in that classification, or lesser classification, except a class M vehicle.
 - e. An applicant sixteen years of age and older, who does not hold a current valid operator's license may be issued a class M learner's permit after successful completion of a written examination. The class M license will be issued after the applicant has successfully completed a driver's examination.
 - f. Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.
3. Any holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to the holder is deemed to be driving a motor vehicle without being duly licensed under this chapter. The holder of a classified license who desires to obtain a different class license in one of the classes provided by this chapter must exchange or renew the license. The director may adopt rules the director determines are necessary with respect to such renewals or exchanges for the proper administration of this chapter. No class A, B, or C license may be issued to any person under eighteen years of age, except a class A, B, or C type license specially restricted to use for custom harvest purposes must be issued to a person at least sixteen years of age who satisfactorily completes the appropriate examinations.
 4. If any holder of a license issued pursuant to this chapter suffers permanent loss of use of a hand, arm, foot, leg, or eye, the person shall, before operating any motor vehicle or motorcycle, make a report thereof to the director who shall take such reasonable action as may be proper under the provisions of this chapter as to reexamination to determine if the licensee is capable of operating vehicles for which the individual is licensed.
 5. The director may issue a motorized bicycle operator's permit to an applicant who is at least fourteen years of age. To obtain a permit, the applicant shall pay a fee of ten dollars and take a written examination of the applicant's knowledge of traffic laws and general rules of the road.

If the applicant passes the written examination and the director is satisfied that the applicant has adequate eyesight, the director may issue the applicant a motorized bicycle operator's permit, even if the applicant does not have an operator's license. The permit expires in the same manner as an operator's license. A person who has an operator's license, a temporary permit, an instruction permit, or a motorcycle permit is not required to obtain a motorized bicycle operator's permit.

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

39-06-19. Expiration of license - Renewal. Every operator's license issued under this chapter expires and is renewed according to this section. The expiration date of operator's license for every person whose birth occurred in a year ending in an odd numeral is twelve 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 birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. If the licensee has reached the age of eighteen, and desires reissuance of a license with the distinctive background for licensees at least the age of eighteen and under the age of twenty-one, the applicant may apply at any time for a replacement license. If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license. In all other cases, application with fee for renewal of license must be presented to the director not prior to ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order. Every application for renewal of a license by an applicant must 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. The director shall provide visual examination equipment at each location where a license may be renewed. The initial application for a motor vehicle operator's license may be accompanied by a statement of examination from a licensed physician or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of the department examination. Such examination must be within six months of the driver license application. Every person submitting an application and fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to such application, must be treated as a new driver. The fee for renewal or replacement of an operator's license is ten dollars.

Approved March 15, 1999
Filed March 16, 1999

CHAPTER 340

HOUSE BILL NO. 1182

(Transportation Committee)

(At the request of the Department of Transportation)

DOT MEDICAL AND CRIMINAL REPORTS

AN ACT to amend and reenact subsections 1 and 4 of section 23-07-01.1, subsection 1 of section 39-06-03.1, subsections 1, 2, and 3 of section 39-06-07.2, section 39-06-27, subsections 4, 6, and 7 of section 39-06-32, section 39-08-21, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to reporting of physical or mental disorders to the department of transportation, nondriver photo identification cards, medical advice to the director, reporting of conviction, suspension, or revocation, or failure to appear by other jurisdictions, hearings on suspension or revocation for unlawful use of licenses, and medical qualifications exemptions for intrastate drivers; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 4 of section 23-07-01.1 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. All physicians and other medical professionals may report immediately to the department of transportation in writing, the name, date of birth, and address of every person fourteen years of age or over coming before them for examination, attendance, care, or treatment when there is reasonable cause to believe that such person due to physical or mental reason is incapable of safely operating a motor vehicle or diagnosed as a case of a disorder defined as characterized by lapses of consciousness, gross physical or mental impairments.
4. Any physician or other medical professional who fails to make a report or who in good faith makes a report, gives an opinion or recommendation pursuant to this section, or participates in any proceeding founded upon this section is immune from any liability, civil or criminal, that might otherwise be incurred, as a result of such report, except for perjury.

²⁴⁸ **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The director shall issue upon request a nondriver color photo identification card to any North Dakota resident ~~of the age of twelve years or over~~ who fulfills the requirements of this section. ~~The director may issue upon request a nondriver color photo identification card to~~

²⁴⁸ Section 39-06-03.1 was also amended by section 1 of Senate Bill No. 2233, chapter 339.

any North Dakota resident under twelve years of age who fulfills the requirements of this section, except that the form of verification of the name and the date of birth is in the director's discretion, as is the manner in which the records are kept. A nondriver color photo identification card issued to a resident under twelve years of age expires on the twelfth birthday of that resident. If the person is under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license of an operator under the age of twenty-one years.

SECTION 3. AMENDMENT. Subsections 1, 2, and 3 of section 39-06-07.2 of the North Dakota Century Code are amended and reenacted as follows:

1. The director is authorized to seek professional medical advice from any physician or optometrist authorized to practice in this state, and to use that advice in decisions made by the director in regard to the issuance, renewal, suspension, revocation, or cancellation of driver's licenses pursuant to this chapter. The advice may be received in any manner deemed advisable by the director or the director's authorized agent.
2. In addition to advice sought and received pursuant to subsection 1, the director may consider information and advice received from an individual applicant's or driver's personal physician or optometrist. Any examination and report requested by the applicant or driver or required to be taken and provided by the director pursuant to this chapter must be at the expense of the applicant or driver.
3. Any physician or optometrist providing advice to the director or director's authorized agent pursuant to subsection 1 shall incur no liability for any opinion, recommendation, or advice provided.

SECTION 4. AMENDMENT. Section 39-06-27 of the North Dakota Century Code is amended and reenacted as follows:

39-06-27. Suspending licenses upon conviction, suspension, or revocation in another state jurisdiction. The director 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~~ that person in a tribal court or 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. The director may act on a report of a conviction in tribal court received from any tribal law enforcement agency. This section may not 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 a tribal court or in another state which is equivalent to one of those offenses defined in section 39-06.1-05. ~~No~~ A suspension or revocation may not be imposed for convictions for driving under suspension or revocation on an Indian reservation or in another state if a valid North Dakota license or permit was in effect at the time of the violation. For the purposes of this section, originals, photostatic copies, or electronic transmissions of the records of the drivers licensing or other authority of the other jurisdiction are sufficient evidence whether or not they are certified copies.

Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked on an Indian reservation or 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~~ that would require the director to suspend a nonresident's operating privileges had the accident occurred in this state, the director shall suspend the license of ~~such~~ the resident if the resident was the driver of a motor vehicle involved in ~~such~~ the accident. ~~Such~~ The suspension continues until ~~such~~ the resident furnishes evidence satisfactory to the director of the person's compliance with the laws of ~~such~~ the Indian reservation or the 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 5. AMENDMENT. Subsections 4, 6, and 7 of section 39-06-32 of the North Dakota Century Code are amended and reenacted as follows:

4. Refusal to submit to an implied consent chemical test on an Indian reservation or in another state. For purposes of this subsection the specific requirements for establishing a refusal used on the Indian reservation or in the other state may not be considered, and photostatic copies of the records of the other jurisdiction's drivers licensing authority are sufficient evidence of the refusal whether or not those copies are certified. The suspension must be for the same length of time as the revocation in section 39-20-04. If the refusal arose out of an arrest or stop of a person while operating a commercial motor vehicle, the period of suspension must be the same as the period of revocation provided in section 39-06.2-10.
6. Failure, as shown by the certificate of the court, to appear in court or post and forfeit bond after signing a promise to appear, in violation of section 39-06.1-04, ~~or~~ willful violation of a written promise to appear in court, in violation of section 39-07-08, or violation of equivalent ordinances or laws in another jurisdiction. Upon resolution by the operator of the underlying cause for a suspension under this subsection, as shown by the certificate of the court, the director shall record the suspension separately on the driving record. This separate record is not available to the public.
7. An administrative decision on an Indian reservation or in another state that the licensee's privilege to drive on that Indian reservation or in that state is suspended or revoked because of a violation of that Indian reservation's or state's law forbidding motor vehicle operation with an alcohol concentration of at least ten one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, or because of a violation of that Indian reservation's or state's law forbidding the driving or being in actual physical control of a commercial motor vehicle while having an alcohol concentration of at least four one-hundredths of one percent by weight. The specific requirements for establishing the violation on the Indian reservation or in the other state may not be considered and certified copies of the records of the Indian reservation's or other state's drivers licensing authority are sufficient evidence of the violation. The suspension must be for the same duration as the suspension in section 39-20-04.1, if the violation does not involve a commercial motor vehicle. If the violation involves a commercial motor vehicle, the period of suspension must be the same as the period of suspension provided in section 39-06.2-10.

²⁴⁹ **SECTION 6. AMENDMENT.** Section 39-08-21 of the North Dakota Century Code is amended and reenacted as follows:

39-08-21. Medical qualifications exemption for intrastate drivers. Notwithstanding the adoption by the superintendent of the state highway patrol of federal motor carrier safety regulations pursuant to subsection 2 of section 39-21-46, the provisions of 49 CFR 391.41(b)(1)-(11) do not apply to a person who is qualified through a state medical waiver program to operate a commercial motor vehicle within the boundaries of this state or a person who:

1. Is otherwise qualified to operate a commercial motor vehicle and who possesses, on March 26, 1991, a class 1 license issued pursuant to section 39-06-14, as that section existed on June 30, 1989, or a class A license issued pursuant to chapter 39-06.2;
2. Operates a commercial motor vehicle only within the boundaries of this state;
3. Does not operate a motor vehicle used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued pursuant to the Hazardous Materials Transportation Act [49 U.S.C. App. 1801 et seq.]; and
4. Has a medical or physical condition which:
 - a. Would prevent such person from operating a commercial motor vehicle under federal motor carrier safety regulations contained in 49 CFR, Chapter III, subchapter B;
 - b. Existed on March 26, 1991, or at the time of the first required physical examination after that date; and
 - c. An examining physician has determined has not substantially worsened since March 26, 1991, or the time of the first required physical examination after that date.

²⁵⁰ **SECTION 7. AMENDMENT.** Subsection 1 of section 39-20-05 of the North Dakota Century Code is amended and reenacted as follows:

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or 39-20-04.1, the director shall afford that person an opportunity for a hearing if the person mails a request for the hearing to the director within ten days after the date of issuance of the temporary operator's permit. The hearing must be held within ~~twenty-five~~ thirty days after the date of issuance of the temporary operator's permit; ~~but the hearing officer may extend the hearing to within thirty days after the issuance of the temporary operator's permit to accommodate the efficient scheduling of hearings.~~ If the hearing date is extended beyond

²⁴⁹ Section 39-08-21 was also amended by section 1 of House Bill No. 1343, chapter 348.

²⁵⁰ Section 39-20-05 was also amended by section 62 of House Bill No. 1275, chapter 278.

~~twenty five~~ thirty days from the issuance of the temporary operator's permit, the director shall provide extended temporary operator's privileges to the date of the hearing. If no hearing is requested within the time limits in this section, and no affidavit is submitted within the time limits under subsection 2 of section 39-20-04, the expiration of the temporary operator's permit serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state.

SECTION 8. EMERGENCY. Section 6 of this Act is declared to be an emergency measure.

Approved April 8, 1999

Filed April 8, 1999

CHAPTER 341

HOUSE BILL NO. 1291

(Representatives Mahoney, Fairfield, Keiser, R. Kelsch)
(Senators Kringstad, O'Connell)

GRADUATED DRIVER'S LICENSES

AN ACT to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact sections 39-06-04, 39-06-17, and 39-06.1-08 of the North Dakota Century Code, relating to operator's permits and licenses for minors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

39-06-04. Instruction permit. Any person who is at least fourteen years of age may apply to the director for an instruction permit. The director may issue to the applicant an instruction permit ~~which~~ that entitles the applicant while having such permit in the permittee's immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed operator who holds a license corresponding to the vehicle the permittee operates ~~and, who is at least eighteen years of age, who has had at least one year~~ three years of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising driver and the permitholder may not be in the front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permitholder. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to section 39-21-01, and may not carry or transport any passenger. Any instruction permit may be renewed or a new permit issued for an additional period. A person who is not yet eighteen years of age is not eligible for a license until that person has had an instruction permit issued for at least ~~three~~ six months. The director may recognize an instruction permit issued by another jurisdiction in computing the ~~three-month~~ six-month instructional period.

SECTION 2. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has ~~completed~~:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or, ~~in the alternative, has successfully~~
 - (2) Successfully completed a course at an approved commercial driver training school.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the

person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.

6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.

SECTION 3. A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

Special provisions for minor operators.

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 or has committed an alcohol-related offense while operating a motor vehicle, if:
 - a. The acts or offenses were committed while the individual was a minor; and
 - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. If an individual has had that individual's license or permit canceled under subsection 1, the director shall deem that individual to have never have had any license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other license or permit to that individual until, while using the permit issued under this section, that individual:
 - a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completes a course at an approved commercial driver training school; and
 - b. Satisfies all other requirements that apply to that individual for that license or permit.

SECTION 4. AMENDMENT. Section 39-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-08. Nonmoving violation defined. For the purposes of section 39-06.1-06, a "nonmoving violation" means:

1. A violation of section 39-04-11, subsection 6 of section 39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

Approved April 15, 1999

Filed April 15, 1999

CHAPTER 342

SENATE BILL NO. 2406

(Senators B. Stenehjem, Cook, Kringstad, Tomac)
(Representatives Drovdal, Lemieux)

REVOKED AND SUSPENDED LICENSES AND LIABILITY INSURANCE

AN ACT to amend and reenact sections 39-06-35, 39-06-36, and 39-08-20 of the North Dakota Century Code, relating to revoked and suspended licenses and driving without liability insurance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-06-35. Period of suspension. When the period of suspension imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the director a reinstatement fee of ~~twenty five~~ fifty dollars, or ~~fifty one hundred~~ dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until ~~the provisions of compliance with subsection 3.1 of section 39-06.1-10 have been complied with.~~ Upon payment of the reinstatement fee the license must be returned to the operator. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20.

SECTION 2. AMENDMENT. Section 39-06-36 of the North Dakota Century Code is amended and reenacted as follows:

39-06-36. Restoration of revoked licenses. Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked is not entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the revocation period such person may make application for a new license as provided by law, but the director may not then issue a new license unless and until the director is satisfied after investigation of the individual's driving records, driving habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. A person whose license or privilege to drive a motor vehicle has been revoked must pay to the director a revocation reinstatement fee of ~~twenty five~~ fifty dollars, or ~~fifty one hundred~~ dollars if the revocation was imposed for violation of subsection 5 of section 39-06-17, section 39-06-31, 39-06-43, or 39-20-04, in addition to any license renewal fee, for issuance of a new license. Until the reinstatement fee is paid the license and privilege to drive a motor vehicle remain under revocation. A reinstatement fee is not required if a revoked license is reinstated due to the findings of a hearing, reexamination of hearing, or court or judicial review as provided under chapter 39-06, 39-06.1, or 39-20.

SECTION 3. AMENDMENT. Section 39-08-20 of the North Dakota Century Code is amended and reenacted as follows:

39-08-20. Driving without liability insurance prohibited - Penalty.

1. A person may not drive, or the owner may not cause or knowingly permit to be driven, 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 that motor vehicle in the amount required by chapter 39-16.1. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section if that person fails to submit ~~such~~ satisfactory evidence of the policy to the officer or the officer's agency within twenty days of the date of the request. If that person produces a valid policy of liability insurance in effect at the time of violation of this section to the officer, officer's agency, or a court, that person may not be convicted or assessed any court costs for violation of this section. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle. Violation of this section is a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within an eighteen-month period must be fined at least three hundred dollars which may not be suspended.
2. Upon conviction for a violation of this section or equivalent ordinance, the person who has been convicted shall provide proof of motor vehicle liability insurance to the department in the form of a written or electronically transmitted certificate from an insurance carrier authorized to do business in this state. This proof must be provided for a period of three years and kept on file with the department. If the person fails to provide this information, the department shall suspend that person's driving privileges and may not issue or renew that person's operator's license unless that person provides proof of insurance.
3. A person who has been convicted for violation of this section or equivalent ordinance shall surrender that person's operator's license and purchase a duplicate operator's license with a notation requiring that person to keep proof of liability insurance on file with the department. The fee for this license is fifty dollars and the fee to remove this notation is fifty dollars.

4. When an insurance carrier has certified a motor vehicle liability policy, the insurance carrier shall notify the director no later than ten days after cancellation or termination of the certified insurance policy by filing a notice of cancellation or termination of the certified insurance policy; except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Approved March 16, 1999

Filed March 16, 1999

CHAPTER 343

SENATE BILL NO. 2343 (Senators W. Stenehjem, B. Stenehjem)

FAILURE TO YIELD TO EMERGENCY VEHICLE

AN ACT to create and enact section 39-10-26.2 of the North Dakota Century Code, relating to the presumption of owner violation for failing to yield right of way to an emergency vehicle; and to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the fees for noncriminal traffic violations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵¹ **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.

SECTION 2. Section 39-10-26.2 of the North Dakota Century Code is created and enacted as follows:

39-10-26.2. Permitting use of vehicle to violate section 39-10-26 prohibited - Presumption of permission - Defense - Dual prosecution prohibited. The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of section 39-10-26. If a motor vehicle is seen violating section 39-10-26, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of section 39-10-26, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this section and with violating section 39-10-26. Violation of this section is not a lesser included offense of violation of section 39-10-26.

Approved March 16, 1999
Filed March 16, 1999

²⁵¹ Section 39-06.1-06 was also amended by section 1 of Senate Bill No. 2127, chapter 344.

CHAPTER 344

SENATE BILL NO. 2127

(Senators Thane, Mutzenberger)

(Representatives Jensen, Rose)

(At the request of the State Department of Health)

DEMERIT POINTS AND SEATBELT USE

AN ACT to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points; and to amend and reenact subsection 2 of section 39-06.1-06 and section 39-21-41.2 of the North Dakota Century Code, relating to use of seatbelts and restraints.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵² **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.

SECTION 2. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

<u>Failing to have a minor in a child restraint system or seatbelt in violation of section 39-21-41.2</u>	<u>1 point</u>
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SECTION 3. AMENDMENT. Section 39-21-41.2 of the North Dakota Century Code is amended and reenacted as follows:

39-21-41.2. Child restraint devices - Penalty - Evidence.

1. If a child, under ~~three~~ four years of age, is present in any motor vehicle, that motor vehicle must be equipped with at least one child restraint system for each such child. The child restraint system must meet the

²⁵² Section 39-06.1-06 was also amended by section 1 of Senate Bill No. 2343, chapter 343.

standards adopted by the United States department of transportation for those systems [49 CFR 571.213]. While the motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of ~~three~~ four through ~~ten~~ seventeen years of age who is in the motor vehicle must be in an approved child restraint system in accordance with the manufacturer's instructions or correctly buckled in a seatbelt. Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured. If all of the seatbelts are used by other family members in the vehicle or if a child is being transported in an emergency situation, this section does not apply.

2. ~~Violation of this section is punishable by a fine not to exceed twenty dollars.~~
3. Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

Approved April 16, 1999
Filed April 16, 1999

CHAPTER 345**HOUSE BILL NO. 1324**

(Representatives Belter, Herbel)
(Senators Mutch, Thane)

AGRICULTURAL HOURS OF SERVICE EXEMPTION

AN ACT to amend and reenact section 39-06.2-17 of the North Dakota Century Code, relating to the hours of service exemption for the transportation of agricultural commodities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06.2-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-17. Hours of service exemption - Transportation of agricultural commodities. Federal regulations and the provisions of chapter 39-32 governing maximum driving and on-duty time do not apply to a driver transporting agricultural commodities or farm supplies, including farm equipment and machinery, for agricultural purposes in this state during planting and harvesting seasons from ~~February fifteenth~~ January first through ~~December fifteenth~~ thirty-first, if the transportation is limited to an area within a one hundred air-mile radius from the source of the commodities or the distribution point for the farm supplies.

Approved March 16, 1999

Filed March 16, 1999

CHAPTER 346

HOUSE BILL NO. 1131

(Transportation Committee)

(At the request of the Department of Transportation)

DRIVING UNDER THE INFLUENCE PENALTIES

AN ACT to amend and reenact subdivisions b and e of subsection 4 of section 39-08-01 and section 39-08-01.3 of the North Dakota Century Code, relating to the penalties for operating a vehicle while under the influence of intoxicating liquor or drugs; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵³ **SECTION 1. AMENDMENT.** Subdivisions b and e of subsection 4 of section 39-08-01 of the North Dakota Century Code are amended and reenacted as follows:

- b. For a second offense within five years, the sentence must include at least ~~four~~ five days' imprisonment of which forty-eight hours must be served consecutively, or ~~ten~~ thirty days' community service; a fine of at least five hundred dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
- e. The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02 ~~except that a fine or a sentence of imprisonment may be suspended in any of the following instances:~~
 - (1) ~~Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.~~
 - (2) ~~If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service. The execution of the sentence may not be suspended nor the imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02.~~

SECTION 2. AMENDMENT. Section 39-08-01.3 of the North Dakota Century Code is amended and reenacted as follows:

²⁵³ Section 39-08-01 was also amended by section 3 of House Bill No. 1304, chapter 112.

39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the seizure, forfeiture, and sale of motor vehicles. A motor vehicle owned and operated by a person upon a highway or upon public or private areas to which the public has a right of access for vehicular use may be seized, forfeited, and sold or otherwise disposed of pursuant to an order of the court at the time of sentencing if the person is in violation of section 39-08-01 or an equivalent ordinance and has been convicted of violating section 39-08-01 or an equivalent ordinance at least ~~three times~~ one other time within the five years preceding the violation. The court may also require that an ignition interlock device be installed in the person's vehicle for a period of time that the court deems appropriate.

Approved April 22, 1999

Filed April 22, 1999

CHAPTER 347**HOUSE BILL NO. 1326**

(Representatives Galvin, Grumbo, Klein)
(Senators Cook, B. Stenehjem)

UNINSURED MOTORIST ACCIDENT DAMAGES

AN ACT to provide damages in accidents with uninsured motorists.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Uninsured motorist - Insurance deductible. If a person causes damage to another or another's property with a motor vehicle while in violation of section 39-08-20, at minimum the court shall order that person to pay to the other person the amount of the deductible on that person's insurance.

Approved April 1, 1999

Filed April 2, 1999

CHAPTER 348

HOUSE BILL NO. 1343 (Representatives Delzer, Kempenich) (Senators Freborg, B. Stenehjem)

COMMERCIAL DRIVERS MEDICAL REGULATION EXEMPTION

AN ACT to amend and reenact section 39-08-21 of the North Dakota Century Code, relating to an exemption from medical regulations for certain drivers of commercial vehicles; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵⁴ **SECTION 1. AMENDMENT.** Section 39-08-21 of the North Dakota Century Code is amended and reenacted as follows:

39-08-21. Medical qualifications exemption for intrastate drivers. Notwithstanding the adoption by the superintendent of the state highway patrol of federal motor carrier safety regulations pursuant to subsection 2 of section 39-21-46, the provisions of 49 CFR 391.41(b)(1)-(11) do not apply to a person who:

1. Is otherwise qualified to operate a commercial motor vehicle and who possesses, on March 26, 1991, a class 1 license issued pursuant to section 39-06-14, as that section existed on June 30, 1989, or a class A license issued pursuant to chapter 39-06.2;
2. Operates a commercial motor vehicle only within the boundaries of this state; and
3. ~~Does not operate a motor vehicle used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued pursuant to the Hazardous Materials Transportation Act [49 U.S.C. App. 1801 et seq.]; and~~
4. Has a medical or physical condition ~~which~~ that:
 - a. Would prevent such person from operating a commercial motor vehicle under federal motor carrier safety regulations contained in 49 CFR, Chapter III, subchapter B;
 - b. Existed on March 26, 1991, or at the time of the first required physical examination after that date; and
 - c. An examining physician has determined has not substantially worsened since March 26, 1991, or the time of the first required physical examination after that date.

²⁵⁴ Section 39-08-21 was also amended by section 6 of House Bill No. 1182, chapter 340.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 11, 1999

Filed March 11, 1999

CHAPTER 349

SENATE BILL NO. 2184

(Transportation Committee)

(At the request of the Department of Transportation)

TRAFFIC CONTROL SIGNALS

AN ACT to amend and reenact sections 39-10-05, 39-10-06, and 39-10-07 of the North Dakota Century Code, relating to traffic control signals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-05 of the North Dakota Century Code is amended and reenacted 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 may be used, except for special pedestrian signals carrying a word or legend, and said lights must indicate and apply to drivers of vehicles and pedestrians as follows:

1. ~~Green indication~~ indications:

- a. Vehicular traffic facing a circular green ~~signal~~ indication 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~~ indication, 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~~ indication, except when the sole green ~~signal~~ indication 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 circular yellow ~~signal~~ or yellow arrow indication is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic may not enter the intersection.

- b. Pedestrians facing a steady circular yellow signal or yellow arrow indication, 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 may then start to cross the roadway.
3. Steady red indication:
- a. Vehicular traffic facing a steady circular red signal indication 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~~ c.
- b. Vehicular traffic facing a steady red arrow indication may not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another indication, must 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 must remain standing until an indication permitting the movement indicated by the red arrow is shown except as provided for in subdivision c.
- c. Except when a sign is in place prohibiting a turn, vehicular traffic facing a any steady red signal indication may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by ~~subdivision~~ subdivisions a and b. Such vehicular traffic shall yield the right of way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
- ~~e.~~ d. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing a steady circular red signal or red arrow indication alone may 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 are applicable, except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop must be made at the signal.

SECTION 2. AMENDMENT. Section 39-10-06 of the North Dakota Century Code is amended and reenacted as follows:

39-10-06. Pedestrian control signals. Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" or the symbols of a walking person, symbolizing "Walk", or an upraised hand, symbolizing "Don't Walk" are in place, such signals must indicate as follows:

1. "Walk": Pedestrians facing such signal indication may proceed across the roadway in the direction of the signal indication and must be given the right of way by the drivers of all vehicles.

2. "Don't Walk" (steadily illuminated): ~~No~~ A pedestrian may not start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing indication.
3. "Don't Walk" (flashing): A pedestrian may not start to cross the roadway in the direction of the indication, but any pedestrian who has partially completed a crossing during the "Walk" signal must proceed in the direction of the indication to a sidewalk or safety island.

SECTION 3. AMENDMENT. Section 39-10-07 of the North Dakota Century Code is amended and reenacted 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 requires obedience by vehicular traffic as follows:
 - a. Flashing red (stop ~~signal~~ indication). 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 is subject to the rules applicable after making a stop at a stop sign.
 - b. Flashing yellow (caution ~~signal~~ indication). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such ~~signal~~ indication only with caution.
 - c. Flashing red arrow and flashing yellow arrow indications have the same meaning as the corresponding flashing circular indications, except that they apply only to drivers of vehicles intending to make the movement indicated by the arrow.
2. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings is governed by the requirements set forth in section 39-10-41.

Approved March 16, 1999
Filed March 16, 1999

CHAPTER 350

HOUSE BILL NO. 1416 (Representative Grosz)

EMERGENCY VEHICLE OPERATION

AN ACT to amend and reenact section 39-10-26 of the North Dakota Century Code, relating to the operation of emergency vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-26 of the North Dakota Century Code is amended and reenacted as follows:

39-10-26. Operation of vehicle on approach of authorized emergency vehicle.

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~~ that 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 does 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.

Approved March 18, 1999
Filed March 19, 1999

CHAPTER 351

HOUSE BILL NO. 1405

(Representatives Devlin, Byerly, Carlson)
(Senators O'Connell, Redlin)

MANUFACTURED BUILDING MOVING AND ELECTRICAL CERTIFICATE APPLICATIONS

AN ACT to amend and reenact sections 39-12-02 and 43-09-21 of the North Dakota Century Code, relating to applications for moving and electrical certificates for manufactured buildings and modular units.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵⁵ SECTION 1. AMENDMENT. Section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees.

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every permit may designate the route to be traversed and may contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of this chapter for any person to violate any of the terms or conditions of the permit. All permits for the movement of excessive size and weight on state highways must be for single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
2. Upon any application for a permit to move a new manufactured building or modular unit from outside this state to be located anywhere within this state, the manufacturer is deemed to have certified that the new manufactured building or modular unit meets all applicable building codes and all applicable electrical wiring and equipment, plumbing, and fire standards. The state is not liable to any person for issuing a permit in violation of this subsection.
3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state

²⁵⁵ Section 39-12-02 was also amended by section 1 of House Bill No. 1065, chapter 352.

highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. Official or publicly owned vehicles may not be required to pay charges for permits. The minimum fee for selected charges is as follows:

- a. The fee for a seasonal permit, harvest and wintertime, is fifty dollars per month.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for filing a permit is five dollars per trip.
 - f. The fee for a single trip permit is twenty dollars per trip.
3. 4. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an overdimensional mobile home.

SECTION 2. AMENDMENT. Section 43-09-21 of the North Dakota Century Code is amended and reenacted as follows:

43-09-21. Standards for electrical wiring and equipment. All electrical wiring, apparatus, or equipment ~~shall~~ must comply with the rules of the board made under authority of the laws of this state and in conformity with the approved methods of construction for safety to life and property. The regulations ~~laid down~~ in the national electrical code and the national electrical safety code as approved by the American national standards institute ~~shall be~~ are prima facie evidence of ~~such~~ these approved methods. Any municipality may make more stringent requirements. ~~No~~ An electrical installation ~~shall~~ may not be connected for use until proof has been furnished to the person, firm, corporation, or limited liability company supplying electrical energy that ~~such~~ there is compliance with the applicable regulations have been complied with. The manufacturer of a new manufactured building or modular unit shall make any changes required for the proof within fourteen days from the notice that the building or unit does not comply with the applicable regulations. This section does not apply to the movement of a new manufactured building or modular unit into or within this state before the process of being connected for use.

Approved April 17, 1999
Filed April 19, 1999

CHAPTER 352

HOUSE BILL NO. 1065

(Representative Froseth)

GRAIN CLEANER WIDTH, HEIGHT, AND WEIGHT EXEMPTIONS

AN ACT to amend and reenact subdivision a of subsection 2 of section 39-12-02 and subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to an exemption from width, height, and weight limitations for commercial portable grain cleaners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵⁶ **SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

- a. The fee for a ~~seasonal permit~~ the ten percent weight exemption, harvest and wintertime, is fifty dollars per month.

SECTION 2. AMENDMENT. Subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code is amended and reenacted as follows:

- d. Commercial movement of haystacks or hay bales with vehicles designed specifically for hauling hay, commercial movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, whether operating under their own power or being transported by another vehicle, commercial movement of portable grain cleaners, and the commercial movement of hay grinders, which may be moved on the highway after obtaining a seasonal permit issued by the highway patrol. The highway patrol shall issue seasonal permits that are valid during daylight hours on any day of the week, or that are valid at all times for the movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, to any commercial entity otherwise qualified under this subdivision. Self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators operating under their own power between sunset and sunrise must display vehicle hazard warning signal lamps as described in subsection 3 of section 39-21-19.1. The seasonal permit is in lieu of registration requirements for the permit period. No seasonal permit may be issued, unless proof of financial responsibility in a minimum of three hundred thousand dollars is filed and the appropriate permit fee is paid. The seasonal permit may also be issued for hauling hay bales with vehicles or vehicle combinations other than those designed specifically for hauling haystacks. This seasonal permit,

²⁵⁶ Section 39-12-02 was also amended by section 1 of House Bill No. 1405, chapter 351.

however, will not be in lieu of registration requirements. All permit fees must be deposited in the state highway distribution fund.

Approved March 16, 1999

Filed March 16, 1999

CHAPTER 353

HOUSE BILL NO. 1229

(Representatives Gorder, Herbel)
(Senator Tallackson)

VEHICLE WEIGHT LIMITATIONS

AN ACT to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations for vehicles on highways that are not in the interstate system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-12-05.3 of the North Dakota Century Code is amended and reenacted as follows:

39-12-05.3. Weight limitations for vehicles on highways other than the interstate system. A person may not operate on a highway, which is not part of the interstate system, any vehicle:

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle, with a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.
2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, the gross weight of which exceeds that determined by the formula of:

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

where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. Local authorities are encouraged to assess all

roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection.

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.
5. The director, and local authorities, as to highways under their respective jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar beets to exceed weight limitations stated in subsections 1 and 2 by ten percent during the period from July fifteenth to December first. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

Approved April 7, 1999
Filed April 8, 1999

CHAPTER 354

SENATE BILL NO. 2158

(Transportation Committee)

(At the request of the Department of Transportation)

TOURIST-ORIENTED DIRECTIONAL SIGNS

AN ACT to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-13-09 of the North Dakota Century Code is amended and reenacted as follows:

39-13-09. Tourist-oriented directional signs.

1. In this section:
 - a. "Tourist-oriented directional sign" means a sign providing identification of and directional information for tourist-related businesses, services, or activities.
 - b. "Tourist-related business, service, or activity" means rural agricultural business and tourism attractions, including recreation, historical sites, festival and cultural events, lodging and food services which are singularly and uniquely related to historical, cultural, or recreational tourist attractions, and guide services, but does not include any business operated under a franchise agreement.
2. Notwithstanding section 24-01-12, the department shall establish by rule standards for the erection and maintenance of tourist-oriented directional signs. The rules must conform to federal standards for tourist-oriented directional signs adopted under 23 U.S.C. 131(q) as of July 1, 1991, and with the manual of ~~uniform traffic control devices~~ adopted by the department under section 39-13-06 except that the rules must provide that logos may not be used on tourist-oriented directional signs. ~~The rules must require that each sign must be seventy-two inches [182.88 centimeters] wide and sixteen inches [40.64 centimeters] high. The rules must include all of the following:~~
 - a. ~~Criteria for eligibility for signing.~~
 - b. ~~Criteria for limiting or excluding businesses, services, and activities that maintain signs that do not conform to requirements under 23 U.S.C. 131.~~
 - c. ~~Provisions for fees to cover costs of administration of a permit system.~~
 - d. ~~Provisions specifying sign design and composition.~~
 - e. ~~Criteria for determining when to permit advance signing.~~

- f. ~~Criteria for determining when to permit signing for facilities that are not located on a crossroad of a highway upon which tourist-oriented directional signs are permitted.~~
 - g. ~~Criteria for signing at at-grade intersections of expressways.~~
 - h. ~~Provisions specifying conditions under which the time of operation of a business, service, or activity is shown.~~
 - i. ~~Provisions for covering or removing signs during off-seasons for businesses, services, and activities operated on a seasonal basis.~~
 - j. ~~Provisions specifying the maximum number of signs permitted per intersection.~~
 - k. ~~Provisions for limiting the number of signs.~~
 - l. ~~Provisions stating the qualifications of contractors.~~
3. Upon the request of any person, a local authority that has adopted an ordinance permitting the erection of tourist-oriented directional signs may authorize their erection within the right of way of any highway under the jurisdiction of the local authority except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. ~~No~~ A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.
4. The permit applicant shall engage a qualified contractor for the erection, installation, and maintenance of tourist-oriented directional signs within the right of way of any highway under the jurisdiction of the department except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. ~~No~~ A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.

Approved March 15, 1999

Filed March 16, 1999

CHAPTER 355

HOUSE BILL NO. 1389

(Representatives Clark, Pollert)

MOTOR VEHICLE OPERATOR RECORDS RELEASE

AN ACT to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to release of motor vehicle operator records; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-16-03 of the North Dakota Century Code is amended and reenacted as follows:

39-16-03. ~~Abstract~~ Driving records - Not admissible in evidence - Fee.

1. The director upon request shall furnish any person a certified abstract of the operating record of any person, source document therefor, or record of clearance, subject to ~~the provisions of this chapter which title.~~ The abstract must include the convictions, adjudications, and admissions of commission of traffic offenses of any driver and suspensions, revocations, and restrictions of a person's driving privileges. Any person, except the subject of the record and law enforcement or judicial officers functioning in their official capacity, requesting the abstract, source documents in aggregate form, or record of clearance shall indicate in writing the reason for the request and shall identify the person or firm for whom or which the request is made and the intended recipient of the ~~abstract~~ record.

Copies of abstracts are not admissible as evidence in any civil or criminal trial arising out of a motor vehicle accident. Upon request and subject to the provisions of this title, the director shall furnish an operating record or complete operating record to the subject of the record or to law enforcement or judicial officers.

2. A fee of three dollars must be paid for each abstract of any operating record, operating record, complete operating record, or record of clearance, and a reasonable fee must be paid for each source document, except no fee ~~will~~ may be assessed to law enforcement agencies or judicial officers. The director shall send an additional copy of the abstract, source document if requested in aggregate form, or record of clearance to the driver whose ~~abstract record~~ record was requested, accompanied by a statement identifying the person making the request, identifying the person or firm for whom or which the request is made, identifying the intended recipient of the ~~abstract record,~~ and providing the reason for the request. No additional copy of the abstract or ~~statement~~ record of clearance may be sent to a driver ~~where~~ if the request for the ~~driver's abstract record~~ record was made by the federal bureau of investigation or the United States central intelligence agency, or their agents, or by any law enforcement agency ~~of this state, or of its political subdivisions~~ or judicial officer.

3. A requester may provide the department with a list of names of drivers and may request any source documents from the department relating to the listed drivers for a set time period. The department shall provide this information in hard copy or electronic format. If in order to provide the information by electronic format the department sets up a computer program, the department may charge a requester a reasonable charge for a setup fee. This charge may not exceed the actual cost to set up the computer program. A requester of source documents in aggregate form shall pay the director a reasonable fee for making and mailing to the driver whose record was requested an additional copy of the document as it relates to that driver.

SECTION 2. RETROACTIVE APPLICATION OF ACT. This Act is retroactive in application.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 8, 1999

Filed April 8, 1999

CHAPTER 356

SENATE BILL NO. 2403

(Senators Klein, Cook, O'Connell, B. Stenehjem)
(Representatives Lemieux, Schmidt)

DRIVER RECORD CONFIDENTIALITY

AN ACT to amend and reenact section 39-16-03.1 of the North Dakota Century Code, relating to the confidentiality of a driver record or abstract.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-16-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-16-03.1. Entries on driver record abstract more than three years old confidential. Notwithstanding any other ~~provisions~~ provision of this chapter, ~~no~~ the following entries on a driver record or abstract are not available to the public, except for statistical purposes, other than by order of a court of competent jurisdiction accompanied by a fee of twenty-five dollars:

1. An entry more than three years old ~~or~~.
2. After the period of suspension ceases, an entry concerning a suspension under subsection 4, 5, 6, or 7 of section 39-06-03; or subsection 2, 5, or 6 of section 39-06-32; after the suspension ceases, on a driver record or abstract shall be available to the public, except for statistical purposes, other than by order of a court of competent jurisdiction. The order must be accompanied by a fee of twenty-five dollars.
3. An entry concerning a suspension as the result of a person under twenty-one years of age who has an alcohol concentration of at least two one-hundredths of one percent but under ten one-hundredths of one percent by weight within two hours after driving or being in actual physical control of a vehicle.

Approved March 29, 1999
Filed March 29, 1999

CHAPTER 357

HOUSE BILL NO. 1375

(Representatives Delmore, Nicholas, Warner)
(Senators Kinnoin, St. Aubyn, Wardner)

PARK MODEL TRAILERS

AN ACT to create and enact section 39-18-03.2 of the North Dakota Century Code, relating to park model trailer fees; to amend and reenact subsection 2 of section 57-40.3-01 and subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to park model trailers; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 39-18-03.2 of the North Dakota Century Code is created and enacted as follows:

39-18-03.2. Park model trailer fee. The owner of a park model trailer, as defined in subsection 2 of section 57-55-10, shall pay the department a fee of twenty dollars per calendar year to qualify for the exemption under section 57-55-10. The department shall issue a receipt for payment of the fee under this section but payment of the fee does not confer any rights to the owner of a park model trailer which are not otherwise provided by law. Fees collected under this section must be deposited in the highway tax distribution fund.

²⁵⁷ **SECTION 2. AMENDMENT.** Subsection 2 of section 57-40.3-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Motor vehicle" includes every vehicle ~~which~~ that is self-propelled and every vehicle ~~which~~ that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, every trailer, semitrailer, park model trailer as defined in subsection 2 of section 57-55-10, all-terrain vehicle, snowmobile, and travel trailer for which a certificate of title is required to be obtained ~~pursuant to the provisions of~~ under chapter 39-05, but not including housetrailer, or mobile homes.

SECTION 3. AMENDMENT. Subsection 2 of section 57-55-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. ~~The provisions of this~~ This chapter ~~shall~~ does not apply to a mobile home ~~which~~ that:

²⁵⁷ Section 57-40.3-01 was also amended by section 2 of House Bill No. 1216, chapter 361.

- a. Is used only for the temporary living quarters of the owner or other occupant while ~~such~~ the person is engaged in recreational or vacation activities, provided ~~that such~~ the unit ~~displays~~:
- (1) Displays a current travel trailer license; or
 - (2) Is a park model trailer that is used only for seasonal or recreational living quarters and not as a primary residence, and which is located in a trailer park or campground, and for which the owner has paid a park model trailer fee under section 39-18-03.2. For purposes of this paragraph, "park model" trailer means a recreational vehicle not exceeding forty feet [12.19 meters] in length which is primarily designed to provide temporary living quarters for recreation, camping, or seasonal use, is built on a single chassis, is mounted on wheels, has a gross trailer area not exceeding four hundred square feet [37.16 square meters] of enclosed living space in the setup mode, and is certified by the manufacturer as complying with American national standards institute standard A119.5.
- b. Qualifies as a farm residence as described by subsection 15 of section 57-02-08, provided such mobile home is permanently attached to the ground.
- c. Is permanently attached to a foundation and is assessed as real property, provided the owner of such mobile home also owns the land on which such mobile home is located.
- d. Is owned by a licensed mobile home dealer who holds such mobile home solely for the purpose of resale, and provided that such mobile home is not used as living quarters or as the place for the conducting of any business.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable events occurring after December 31, 1998.

Approved March 8, 1999
Filed March 8, 1999

CHAPTER 358

SENATE BILL NO. 2345

(Senator W. Stenehjem)
(Representative Delmore)

DRIVING UNDER THE INFLUENCE BLOOD TESTS

AN ACT to amend and reenact section 20.1-13.1-03, subsection 8 of section 20.1-13.1-10, sections 20.1-13.1-13, 20.1-15-03, subsection 10 of section 20.1-15-11, sections 20.1-15-14, 39-20-02, subsection 10 of section 39-20-07, sections 39-20-12, 39-24.1-03, subsection 8 of section 39-24.1-08, and section 39-24.1-11 of the North Dakota Century Code, relating to blood tests for driving while under the influence.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-13.1-03 of the North Dakota Century Code is amended and reenacted as follows:

20.1-13.1-03. Persons qualified to administer chemical test and opportunity for additional test. Only a physician, or a qualified technician, chemist, or registered nurse an individual medically qualified to draw blood, acting at the request of a game warden or a law enforcement officer, may withdraw blood for the purpose of determining the alcoholic, drug, or combination thereof, content of the blood. The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse. This limitation does not apply to the taking of a breath, saliva, or urine specimen. The person tested may have a ~~physician, or a qualified technician, chemist, registered nurse, or other qualified person~~ an individual of that person's own choosing, who is medically qualified to draw blood, administer a chemical test in addition to any administered at the direction of a game warden or a law enforcement officer with all costs of the additional chemical test to be the responsibility of the person charged. The failure or inability to obtain an additional chemical test by a person does not preclude the admission of the chemical test taken at the direction of a game warden or a law enforcement officer. Upon the request of the person who is tested, a copy of the operational checklist and test record of a breath sample test or analytical report of a blood, urine, or saliva sample test taken at the direction of the game warden or law enforcement officer must be made available to that person by the department or law enforcement agency that administered the chemical test.

²⁵⁸ **SECTION 2. AMENDMENT.** Subsection 8 of section 20.1-13.1-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. A signed statement from the ~~nurse or medical technician~~ drawing individual medically qualified to draw the blood sample for testing as set

²⁵⁸ Section 20.1-13.1-10 was also amended by section 37 of House Bill No. 1275, chapter 278.

forth in subsection 3 is prima facie evidence that the blood sample was properly drawn and no further foundation for the admission of ~~such~~ this evidence may be required.

SECTION 3. AMENDMENT. Section 20.1-13.1-13 of the North Dakota Century Code is amended and reenacted as follows:

20.1-13.1-13. Liability. Any individual medically qualified to draw blood or any licensed physician, nurse, technician, or an employee of a hospital who draws blood from any person pursuant to a request of any arresting warden or officer is not liable in any civil action for damages arising out of the act except for gross negligence.

SECTION 4. AMENDMENT. Section 20.1-15-03 of the North Dakota Century Code is amended and reenacted as follows:

20.1-15-03. Persons qualified to administer chemical test and opportunity for additional test. Only a ~~physician, or a qualified technician, chemist, or registered nurse~~ an individual medically qualified to draw blood, acting at the request of a game warden or a law enforcement officer, may withdraw blood for the purpose of determining the alcoholic, drug, or combination thereof, content of the blood. The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse. This limitation does not apply to the taking of a breath, saliva, or urine specimen. The person tested may have a ~~physician, or a qualified technician, chemist, registered nurse, or other qualified person~~ an individual of that person's own choosing, who is medically qualified to draw blood, administer a chemical test in addition to any administered at the direction of a game warden or a law enforcement officer with all costs of the additional chemical test to be the responsibility of the person charged. The failure or inability to obtain an additional chemical test by a person does not preclude the admission of the chemical test taken at the direction of a game warden or a law enforcement officer. Upon the request of the person who is tested, a copy of the operational checklist and test record of a breath sample test or analytical report of a blood, urine, or saliva sample test taken at the direction of the game warden or law enforcement officer must be made available to that person by the department or law enforcement agency that administered the chemical test.

²⁵⁹ **SECTION 5. AMENDMENT.** Subsection 10 of section 20.1-15-11 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10. A signed statement from the ~~nurse or medical technician drawing~~ individual medically qualified to draw the blood sample for testing as set forth in subsection 5 is prima facie evidence that the blood sample was properly drawn and no further foundation for the admission of ~~such~~ this evidence may be required.

SECTION 6. AMENDMENT. Section 20.1-15-14 of the North Dakota Century Code is amended and reenacted as follows:

²⁵⁹ Section 20.1-15-11 was also amended by section 39 of House Bill No. 1275, chapter 278.

20.1-15-14. Liability. Any individual medically qualified to draw blood or any licensed physician, nurse, technician, or an employee of a hospital who draws blood from any person pursuant to a request of any arresting warden or officer is not liable in any civil action for damages arising out of the act except for gross negligence.

SECTION 7. AMENDMENT. Section 39-20-02 of the North Dakota Century Code is amended and reenacted as follows:

39-20-02. Persons qualified to administer test and opportunity for additional test. Only a physician, or a qualified technician, chemist, or registered nurse an individual medically qualified to draw blood, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining the alcohol, drug, or combination thereof, content therein. The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse. This limitation does not apply to the taking of breath, saliva, or urine specimen. The person tested may have a ~~physician, or a qualified technician, chemist, registered nurse, or other qualified person~~ an individual of the person's choosing, who is medically qualified to draw blood, administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer with all costs of an additional test or tests to be the sole responsibility of the person charged. The failure or inability to obtain an additional test by a person does not preclude the admission of the test or tests taken at the direction of a law enforcement officer. Upon the request of the person who is tested, a copy of the operational checklist and test record of a breath sample test or analytical report of a blood, urine, or saliva sample test taken at the direction of the law enforcement officer must be made available to that person by the law enforcement agency ~~which~~ that administered the test or tests.

²⁶⁰ **SECTION 8. AMENDMENT.** Subsection 10 of section 39-20-07 of the North Dakota Century Code is amended and reenacted as follows:

10. A signed statement from the ~~nurse or medical technician drawing~~ individual medically qualified to draw the blood sample for testing as set forth in subsection 5 is prima facie evidence that the blood sample was properly drawn and no further foundation for the admission of ~~such~~ this evidence may be required.

SECTION 9. AMENDMENT. Section 39-20-12 of the North Dakota Century Code is amended and reenacted as follows:

39-20-12. Liability. Any individual medically qualified to draw blood or any licensed physician, nurse, technician, or an employee of a hospital who draws blood from any person pursuant to a request of any arresting officer is not liable in any civil action for damages arising out of said act except for gross negligence.

SECTION 10. AMENDMENT. Section 39-24.1-03 of the North Dakota Century Code is amended and reenacted as follows:

²⁶⁰ Section 39-20-07 was also amended by section 63 of House Bill No. 1275, chapter 278.

39-24.1-03. Persons qualified to administer chemical test and opportunity for additional test. Only a ~~physician, or a qualified technician, chemist, or registered nurse~~ an individual medically qualified to draw blood, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining the alcohol, drug, or combination thereof, content of the blood. The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse. This limitation does not apply to the taking of a breath, saliva, or urine specimen. The person tested may have a ~~physician, or a qualified technician, chemist, registered nurse, or other qualified person~~ an individual of that person's own choosing, who is medically qualified to draw blood, administer a chemical test in addition to any administered at the direction of a law enforcement officer with all costs of the additional chemical test to be the responsibility of the person charged. The failure or inability to obtain an additional chemical test by a person does not preclude the admission of the chemical test taken at the direction of a law enforcement officer. Upon the request of the person who is tested, a copy of the operational checklist and test record of a breath sample test or analytical report of a blood, urine, or saliva sample test taken at the direction of the law enforcement officer must be made available to that person by the law enforcement agency that administered the chemical test.

²⁶¹ **SECTION 11. AMENDMENT.** Subsection 8 of section 39-24.1-08 of the North Dakota Century Code is amended and reenacted as follows:

8. A signed statement from the ~~nurse or medical technician drawing~~ individual medically qualified to draw the blood sample for testing as set forth in subsection 3 is prima facie evidence that the blood sample was properly drawn and no further foundation for the admission of ~~such~~ this evidence may be required.

SECTION 12. AMENDMENT. Section 39-24.1-11 of the North Dakota Century Code is amended and reenacted as follows:

39-24.1-11. Liability. Any individual medically qualified to draw blood or any licensed physician, nurse, technician, or an employee of a hospital who draws blood from any person pursuant to a request of any arresting officer is not liable in any civil action for damages arising out of the act except for gross negligence.

Approved March 16, 1999
Filed March 16, 1999

²⁶¹ Section 39-24.1-08 was also amended by section 64 of House Bill No. 1275, chapter 278.

CHAPTER 359**SENATE BILL NO. 2357**
(Senator Christmann)**SNOWMOBILE OPERATION**

AN ACT to amend and reenact subdivision g of subsection 5 of section 39-24-09 of the North Dakota Century Code, relating to prohibited operation of snowmobiles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision g of subsection 5 of section 39-24-09 of the North Dakota Century Code is amended and reenacted as follows:

- g. Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name ~~and address~~ of the person posting the land ~~and the date of posting~~ must appear on each sign in legible characters. The posted signs must be readable from the outside of the land and must be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of ~~such~~ signs at or on all gates through ~~such~~ the fence or enclosure ~~must be construed to be constitutes~~ a posting of all ~~such~~ the enclosed lands.

Approved April 1, 1999
Filed April 2, 1999

CHAPTER 360

HOUSE BILL NO. 1215 (Representatives Grande, Belter) (Senators Lyson, B. Stenehjem)

ALL-TERRAIN VEHICLES

AN ACT to amend and reenact subsection 1 of section 39-29-01 of the North Dakota Century Code, relating to all-terrain vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270.00 millimeters] or less in width, having a dry weight of ~~six hundred~~ one thousand pounds [~~272.15~~ 453.59 kilograms] or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

Approved March 9, 1999
Filed March 9, 1999

CHAPTER 361

HOUSE BILL NO. 1216

(Representatives Grande, Bernstein, Koppelman)
(Senators Fischer, Flakoll, D. Mathern)

LOW-SPEED VEHICLES

AN ACT to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to low-speed vehicles; to amend and reenact section 57-40.3-01 of the North Dakota Century Code, relating to the motor vehicle excise tax; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶² **SECTION 1.** A new chapter to title 39 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter, unless the context otherwise requires:

1. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed, upon a paved surface, of twenty miles per hour [32 kilometers per hour] in one mile [1.6 kilometers] and not more than twenty-five miles per hour [40 kilometers per hour] in one mile [1.6 kilometers] and may not exceed one thousand five hundred pounds [680.39 kilograms] in unloaded weight.
2. "Operate" means to ride in or on and control the operation of a low-speed vehicle.
3. "Register" means the act of assigning a registration number to a low-speed vehicle.

Applicability. A low-speed vehicle is a motor vehicle under this title, except:

1. Chapter 39-22 does not apply to low-speed vehicles.
2. Registration of a low-speed vehicle is governed by this chapter.
3. A political subdivision may not require licensing or registration of low-speed vehicles.
4. The governing body of a city may regulate, restrict, or prohibit the use of low-speed vehicles operating in the city limits in areas under the jurisdiction of the city.

Low-speed vehicle registration - Application - Issuance - Fees - Renewal.

²⁶² Section 39-29.1-08 was amended by section 7 of Senate Bill No. 2161, chapter 330.

1. An individual may not operate a low-speed vehicle unless the vehicle has been registered in accordance with this chapter.
2. The department shall design and furnish an application that must be used to register a low-speed vehicle. The registration must state the name and address of every owner of the low-speed vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
3. On receipt of an application and the appropriate fee, the department shall register the low-speed vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner.
4. The fee for registration of a low-speed vehicle is twenty dollars for each registration cycle of two years ending on March thirty-first. The department may prorate the initial registration fee. For a duplicate or replacement registration number or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.
5. To renew a registration, the owner of a low-speed vehicle shall follow the procedure adopted by the department and pay the registration fee.
6. The department may adopt rules for the registration of low-speed vehicles and the display of registration numbers.

Low-speed vehicle dealers. A low-speed vehicle dealer does not need a motor vehicle dealer's license. Upon application and on payment of a twenty dollar fee, a low-speed dealer is entitled to be issued registration numbers distinctively marked as dealer's registration numbers. The dealer's numbers may be used only on low-speed vehicles owned by the dealership.

Exemption from registration - Exemption from fees.

1. Registration and payment of fees is not required of:
 - a. A low-speed vehicle owned and used by the United States or another state or its political subdivisions.
 - b. A low-speed vehicle registered in a foreign country and temporarily used in this state.
 - c. A low-speed vehicle validly licensed in another state and which has not been in this state for more than thirty consecutive days.
 - d. A low-speed vehicle used exclusively for work on private agricultural land or on an industrial jobsite on private land.
2. A low-speed vehicle owned by this state or any of its political subdivisions are exempt from registration fees for low-speed vehicles.

Transfer or termination of low-speed vehicle ownership - Change of address of owner. Within fifteen days of a transfer of any ownership interest in a low-speed vehicle, other than a security interest, the destruction or abandonment of any

low-speed vehicle, or a change of address of the owner as listed with the application for registration, written notice of the fact must be given by the last registered owner to the director in the form the director requires.

Rules of operation. A person may not operate a low-speed vehicle on a highway on which the speed limit exceeds thirty-five miles [56.33 kilometers] per hour. The operator of a low-speed vehicle may make a direct crossing of a highway on which the speed limit exceeds thirty-five miles [56.33 kilometers] per hour if the crossing is made so the operator can continue on a highway on which the speed limit does not exceed thirty-five miles [56.33 kilometers] per hour.

Equipment. A low-speed vehicle must be equipped with head lamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors on each side as far to the rear of the vehicle as practicable and one red reflector on the rear, four-wheel hydraulic assist brakes, a parking brake, a windshield, a vehicle identification number, a safety belt installed at each designated seating position, an exterior mirror mounted on the operator's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rear view mirror.

Penalty. A violation of this chapter for which there is no civil or criminal penalty in this title is a class B misdemeanor.

²⁶³ **SECTION 2. AMENDMENT.** Section 57-40.3-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-40.3-01. Definitions. ~~The following words, terms, and phrases, when As~~ used in this chapter, ~~shall have the meaning ascribed to them in this section,~~ except where the context clearly indicates a different meaning:

1. "All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270 millimeters] or less in width, having a dry weight of six hundred pounds [272.15 kilograms] or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.
2. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed, upon a paved surface, of twenty miles per hour [32 kilometers per hour] in one mile [1.6 kilometers per hour] and not more than twenty-five miles per hour [40 kilometers per hour] in one mile [1.6 kilometers per hour] and may not exceed one thousand five hundred pounds [680.39 kilograms] in unloaded weight.
3. "Motor vehicle" includes every vehicle ~~which~~ that is self-propelled and every vehicle ~~which~~ that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, every trailer, semitrailer, all-terrain vehicle, snowmobile, low-speed vehicle, and travel trailer for which a certificate of title is required to be obtained pursuant

²⁶³ Section 57-40.3-01 was also amended by section 2 of House Bill No. 1375, chapter 357.

to the provisions of chapter 39-05, but not including housetrailers, or mobile homes.

3. 4. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, limited liability company, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.
4. 5. "Purchase price" means the total amount paid for the motor vehicle whether received in money or otherwise; provided, however, that when a motor vehicle or other tangible personal property that will be subject to a sales or use tax imposed by chapter 57-39.2 or 57-40.2 when sold or used is taken in trade as a credit or as part payment on a motor vehicle taxable under this chapter, the credit or trade-in value allowed by the person selling the motor vehicle shall be deducted from the total selling price to establish the purchase price of the vehicle being sold and the trade-in allowance allowed by the seller on a motor vehicle accepted as a trade-in shall constitute the purchase price of a motor vehicle accepted as a trade-in. If a motor vehicle is purchased by an owner who has had a motor vehicle stolen or totally destroyed, a credit or trade-in credit shall be allowed in an amount not to exceed the total amount the purchaser has been compensated by an insurance company for said loss. The purchaser must provide the director of the department of transportation with a notarized statement from the insurance company verifying the fact that the original vehicle was a total loss and stating the amount compensated by the insurance company for the loss. The statement from the insurance company must accompany the purchaser's application for a certificate of title for the replacement vehicle. In instances in which a licensed motor vehicle dealer places into his service a new vehicle for the purpose of renting, leasing, or dealership utility service, the reasonable value of the vehicle replaced shall be included as trade-in value if the new vehicle is properly registered and licensed. "Purchase price" in those instances where the motor vehicle is acquired by gift or by any other transfer for a nominal or no monetary consideration also includes the average value of similar motor vehicles, established by standards and guides as determined by the director of the department of transportation. "Purchase price" in those instances where a motor vehicle is manufactured by a person who registers it under the laws of this state means the manufactured cost of such motor vehicle and manufactured cost means the amount expended for materials, labor, and other properly allocable costs of manufacture except that, in the absence of actual expenditures for the manufacture of a part or all of the motor vehicle, manufactured costs mean the reasonable value of the completed motor vehicle.
5. 6. "Purchaser" means any person owning or in possession of a motor vehicle who makes application to the director of the department of transportation for registration plates or a certificate of title for such vehicle.
6. 7. "Registrar" means the director of the department of transportation of this state as provided by section 24-02-01.3, and who shall act as the agent of the state tax commissioner in administering the provisions of this chapter.

- ~~7.~~ 8. "Sale", "sells", "selling", "purchase", "purchased", or "acquired" includes any transfer of title or ownership of a motor vehicle by way of gift, exchange or barter, or by any other manner or by any other means whatsoever for or without consideration.
- ~~8.~~ 9. "Semitrailer" includes every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle and for which a certificate of title is required to be obtained pursuant to the provisions of chapter 39-05, except that it does not include a "housetrailer" or "mobile home".
- ~~9.~~ 10. "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by skis or runners.
- ~~40.~~ 11. "Trailer" includes every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle and for which a certificate of title is required to be obtained pursuant to the provisions of chapter 39-05, except that it does not include a "housetrailer" or "mobile home".
- ~~44.~~ 12. "Travel trailer" means a mobile home or housetrailer designed to be towed behind a motor vehicle for recreational purposes and providing temporary sleeping quarters for people.
- ~~42.~~ 13. "Use" means the exercise by any person of any right or power over a motor vehicle incident to the ownership or possession of such a vehicle, except that it shall not include the sale or holding for sale of such a vehicle in the regular course of business.
- ~~43.~~ 14. "Vehicle" includes every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or animal power or used exclusively upon stationary rails or tracks.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 9, 1999
Filed March 9, 1999

CHAPTER 362

SENATE BILL NO. 2438

(Senator Mutch)

(Approved by the Delayed Bills Committee)

FEDERAL HOURS OF SERVICE EXEMPTIONS

AN ACT to amend and reenact section 39-32-02 of the North Dakota Century Code, relating to interstate exemptions from federal hours of service provisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-32-02 of the North Dakota Century Code is amended and reenacted as follows:

39-32-02. Intrastate exemptions from federal hours of service provisions.

1. The following intrastate drivers are not subject to hours of service limitations:
 - a. A driver of an authorized emergency vehicle.
 - b. A driver who operates a motor vehicle that has a manufacturer's gross vehicle weight rating equal to or less than twenty-six thousand pounds [11793.40 kilograms] and that is not transporting hazardous materials.
 - c. A driver of a tow truck operating at the request of a law enforcement officer.
2. Except for a driver included in subsection 1, a motor carrier may not permit or require any intrastate driver to drive and an intrastate driver may not drive:
 - a. More than twelve hours following eight consecutive hours off duty.
 - b. For any period after having been on duty more than fifteen hours.
 - c. After having been on duty for seventy hours in any period of seven consecutive days ~~unless operating within an area having a one hundred fifty air-mile radius from the driver's home post office or a one hundred fifty air-mile radius from the official worksite of the vehicle if:~~
 - ~~(1) The driver returns to the work reporting location and is released within twelve consecutive hours.~~
 - ~~(2) At least eight consecutive hours off duty separate each twelve hours on duty.~~
 - ~~(3) The driver does not exceed twelve hours maximum driving time following eight consecutive hours off duty.~~

- (4) The person that employs the driver maintains and retains for a period of six months accurate time records showing the time the driver reports for duty each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day.
3. Following twenty-four consecutive hours off, an intrastate driver begins a new seven-consecutive-day period and on-duty time is reset to zero.
 4. Hours of service limitations do not apply to an intrastate driver when transporting property or passengers during a declared emergency. The employer must declare and document that the emergency is necessary to assure the protection of public health and safety or to provide other essential assistance to the public. An employer shall maintain documentation for one year and shall make it available upon request of a law enforcement officer. Under this subsection, an emergency is the result of any natural activities, including a tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion, blackout, or other occurrence, natural or manmade, which interrupts delivery of essential services, such as electricity, medical care, sewer, water, telecommunications transmissions, or essential supplies, such as food and fuels, or otherwise threatens human life or public welfare.
 5. a. An intrastate driver; ~~except for a driver salesperson, is released from~~ is exempt from maintaining a record of duty each day, total hours on duty each day, and total time for the preceding seven days recordkeeping requirements status if:
 - (1) a. The driver operates within a one hundred fifty air-mile radius of the ~~normal work reporting location, returns to the work reporting location, and is released from work within twelve consecutive hours~~ the driver's normal work reporting location or from the official worksite of the vehicle;
 - (2) b. The driver has At least eight consecutive hours off duty ~~separating~~ separate each twelve hours on duty;
 - (3) c. The driver ~~does not exceed the,~~ except for a driver salesperson, returns to the work reporting location and is released from work within twelve hours maximum driving time following eight consecutive hours off duty; and
 - (4) d. The motor carrier maintains and retains for a period of six months accurate and true records of the time records showing the time the driver reports for duty and is released from duty each day.
 - b. An intrastate driver under subdivision a shall comply with the ~~seventy-hour per seven-day limit and shall keep track of the total time for the preceding seven days.~~