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**MOTOR VEHICLES**

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**CHAPTER 238**

House Bill No. 342  
(Hegge and Johnson)  
(Recommended by the Delayed Bills Committee)

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**MARKING STATE-OWNED MOTOR VEHICLES;  
PRIVATE AND POLITICAL USE PROHIBITED****AN ACT**

To amend and reenact sections 39-0102 and 39-0103 of the North Dakota Revised Code of 1943, providing for the names to be printed on state-owned motor vehicles; providing a penalty and prohibiting the use of any state-owned motor vehicle for private use or political activities, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 39-0102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0102. STATE-OWNED MOTOR VEHICLES TO HAVE NAME PAINTED ON SIDE OF VEHICLES; PENALTY FOR FAILURE.) All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry shall have painted on each front door the following words: NORTH DAKOTA, in letters four inches in height, two and one-half inches directly below such words shall be printed in letters one and one-half inches in height the name of the department, institution or industry of the state owning or operating such motor vehicle, and three and one-half inches directly below such words shall be printed the license number of the car in numerals four inches in height. The above requirements shall not apply to cars owned and operated by the state highway patrol or cars used principally in institutional, juvenile, parole and placement service; or to any truck owned by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

SECTION 2. AMENDMENT.) Section 39-0103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0103. STATE-OWNED MOTOR VEHICLE NOT TO BE USED FOR PRIVATE USE OR IN POLITICAL ACTIVITIES.) No person, officer, or employee of the state or of any department, board, bureau, commission, institution, industry, or other agency of the state, shall use or drive any motor vehicle belonging to the state or to any department, board, bureau, commission, institution, industry, or other agency of the state for private use, or while engaged in any political activity.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 15, 1949.

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## CHAPTER 239

House Bill No. 215

(Murray, Braun, Brickner, Allen and Frank)

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### N. D. HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

#### AN ACT

Creating and establishing a North Dakota highway patrolmen's retirement system; creating and establishing a fund to be known as the North Dakota highway patrolmen's retirement fund; providing for payments upon retirement, death, disability, voluntary and involuntary retirement from the North Dakota highway patrolmen's retirement fund; providing for the creation of a board of trustees and defining its powers and duties; providing for contributions by members of the North Dakota highway patrol; providing for the guaranty and appropriation by the state of North Dakota of certain of said funds; providing for the subrogation of the state of North Dakota to the rights of the member or dependant against certain third parties; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing for penalties.

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

SECTION 1. DEFINITIONS.) The following words and phrases as used in this Act, unless a different meaning is plainly implied by the context, shall have the following meanings:

1. "Accumulated deductions," the total of the amounts deducted from the salary of a contributor and paid into the fund, and standing to his credit in the fund, together with the regular interest thereon;

2. "Beneficiary," any person in receipt of a retirement allowance under this Act;
3. "Board," the North Dakota highway patrolmen's retirement board;
4. "Compulsory retirement age," sixty-five years of age.
5. "Contributor," any person who has accumulated deductions in the fund, standing to his credit.
6. "Final salary," the average annual compensation received by a contributor before any deductions have been made, and exclusive of maintenance allowances and expenses, for the five years of service immediately preceding retirement, or, in the event a member has not served five years, the total retirement compensation earned, divided by the number of years served.
7. "Fund," the North Dakota highway patrolmen's retirement fund.
8. "Involuntary retirement," a retirement not for cause and before retirement age.
9. "Member's annuity," payments for life derived from contributions made by the contributor.
10. "Optional retirement age," the age at which a contributor may retire after twenty years service or more.
11. "Retirement allowance," the state annuity plus the member's annuity.
12. "Retirement age," the age at which a member retires after twenty-five years of creditable service with the North Dakota highway patrol; and
13. "State annuity," payments for life derived from contributions made by the state of North Dakota.

SECTION 2. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT SYSTEM.) A retirement system is hereby established for the members of the North Dakota highway patrol.

SECTION 3. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT BOARD.) There is hereby established the North Dakota highway patrolmen's retirement board which will consist of five members, who shall be the highway commissioner, the superintendent of the North Dakota highway patrol, the attorney for the North Dakota highway patrol, and two members of the North Dakota highway patrol, to be annually elected by the said patrol.

SECTION 4. ADMINISTRATIVE EXPENSES.) The expense of the administration of this Act, exclusive of the payment of retirement allowances and other benefits, shall be paid by the state of North Dakota, by appropriation out of the highway patrol fund, made on the basis of budgets submitted by the board.

SECTION 5. PAYMENTS INTO THE NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.) All appropriations made by

the state of North Dakota, all contributions by members of the North Dakota highway patrol, in the amount hereinafter specified, and all interest on the increase of the investments and moneys under this account shall be paid to the state treasurer, who shall credit said payments to the North Dakota highway patrolmen's retirement fund.

SECTION 6. RULES AND REGULATIONS: ACTUARIAL DATA.) The board shall, from time to time, establish such rules and regulations for the administration of this Act as may be deemed necessary. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund, and shall adopt for the retirement system one or more mortality tables.

SECTION 7. MEMBERSHIP.) Every member of the North Dakota highway patrol, including the superintendent and assistant superintendent, shall be required to become a member of the retirement system established by this Act on July 1, 1949, and thereafter when first becoming a member of the North Dakota highway patrol. Contributions by members under this Act shall commence with the first payroll after July 1, 1949. If any person who becomes a member of the North Dakota highway patrol subsequent to July 1, 1949 shall have been at any time theretofore a member of the North Dakota highway patrol, he shall receive credit for any such service prior to July 1, 1949, upon complying with the provisions of this Act.

SECTION 8. SERVICE ALLOWANCE.) In computing the length of service of a contributor for retirement purposes, full credit shall be given to each contributor for each year of service rendered to the patrol including service rendered prior to July 1, 1949, upon complying with the provisions of the Act. As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to July 1, 1949. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the contributor. The time during which a contributor is absent from service without pay shall not be counted in computing the service of a contributor unless approved by the board.

SECTION 9. PAYMENTS BY CONTRIBUTORS.) Every member shall be required to contribute into the fund a sum equal to three and one-half percent of his monthly salary which sum shall be deducted from his salary and credited to his account in the fund. Every member who has been in the employ of the North Dakota highway patrol prior to July 1, 1949, shall have the option and he may elect to make back payments to the date when he first entered the service of the North Dakota highway patrol. Such back payments may be spread over a period of three years by having the regular payroll deduction of the contributor increased in an amount equal to the total of

his back payments divided by thirty-six, which deduction increase shall be credited to such back payments owing and shall be continued until the full amount of such back payments shall have been completed. Any such deduction increase may be anticipated in part or in full by the contributor at any time and must be anticipated in full at the time of retirement before a retirement allowance is granted, and, if not so anticipated and paid in full, then a member's annuity shall be calculated on the total accumulated deductions standing to his credit in the fund and the state annuity shall be reduced in proportion to the reduction which occurs in the member's annuity due to the amount of back payments not so anticipated. Every contributor who shall elect to make such back payments shall receive full credit under this Act for all contributions made into the fund and for all service credits to which he might thereby be entitled, in the North Dakota highway patrol all payments by him and contributions to his credit from the fund shall cease.

SECTION 10. CONTRIBUTIONS BY THE STATE OF NORTH DAKOTA.) The state of North Dakota shall annually contribute to the fund a sum equal to the amount contributed by patrolmen to this fund from the driver's license fund.

SECTION 11. RETIREMENT.) Any member in service who has completed at least twenty-five years of creditable service may retire on a service retirement allowance upon written application to the board setting forth at what time, not less than thirty days nor more than ninety days subsequent to the filing thereof, he desires to be retired.

SECTION 12. VOLUNTARY RETIREMENT.) If a contributor has served twenty years of creditable service with the North Dakota highway patrol, he is hereby granted the option and privilege of retiring and, in such case, his retirement allowance shall be proportionately reduced on an actuarial basis.

SECTION 13. RETIREMENT ALLOWANCE.) Upon retirement from service a member shall receive a service retirement allowance which shall consist of the state annuity plus the member's annuity. The member's annuity shall be the actuarial equivalent of his aggregate contributions at the time of retirement and the state annuity shall be in an amount which, when added to the member's annuity will provide a total retirement allowance of one-half of his average salary.

SECTION 14. DISABILITY RETIREMENT ALLOWANCE.) In case of the total disability of a contributor, permanent in character, regardless of the length of service of the contributor, a disability retirement allowance shall be granted the contributor in an amount calculated on the actuarial equivalent of the member's annuity and the state annuity standing to his credit at the time of his disability retirement.

SECTION 15. INVOLUNTARY RETIREMENT ALLOWANCE.) Should a contributor be discontinued from service, not voluntarily,

after having completed ten years of total service, but before reaching retirement age, he shall, upon filing of application in the manner herein provided for retirement, be paid as he may elect as follows:

1. The full amount of accumulated deductions standing to his credit; or
2. A member's annuity of equivalent actuarial value to accumulated deductions standing to his credit, plus a state annuity having a value equal to the present value of state annuity then standing to his credit.

SECTION 16. COMPULSORY RETIREMENT ALLOWANCE.) Any member, regardless of his years of service, who has attained the age of sixty-five years, shall forthwith be retired. If he shall have served twenty-five years or more, he shall receive the full retirement allowance as provided herein. If he shall have served less than twenty-five years, he shall be entitled to the same options as provided in section 15 above.

SECTION 17. REFUNDS IN CASE OF RESIGNATION OR DISCHARGE.) Where a contributor resigns of his own volition, or is discharged for cause before becoming entitled to a retirement allowance, then one-half the accumulated deductions standing to his credit shall be paid to him.

SECTION 18. PAYMENTS UPON DEATH.) If the board shall find that a contributor died as a direct and proximate result of injury received in the course of his employment, a retirement allowance shall be paid to his widow so long as she remains his widow and, if and when such widow dies or remarries, then to his children under eighteen years of age, while they are under eighteen years of age, and, if and when there are no children under eighteen years of age, then to the member's parent or parents, if they are dependent. Such retirement allowance shall consist of:

1. A member's annuity, which shall be the actuarial equivalent of the contributor's accumulated deductions standing to his credit; and
2. A state annuity equal to fifty percent of the final salary of the contributor, less the amount which is paid to any such widow or children or dependent parent or parents under the workmen's compensation Act of the state of North Dakota, during the period such compensation is paid or payable.

SECTION 19. PAYMENTS IN CASE OF DEATH FROM NATURAL CAUSES.) If the beneficiary dies before receiving in payments the present value of his member's annuity and the state annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person having an insurable interest in his life as he shall nominate by written designation

duly acknowledged and filed with the board. If a member dies before reaching retirement age, his legal representatives or the person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board, shall be entitled to either of the two options as provided in section 15 above.

SECTION 20. MONTHLY PAYMENTS OF RETIREMENT ALLOWANCES.) The retirement allowances granted under the provisions of this Act shall be paid in equal monthly installments and shall not be increased, decreased, revoked or repealed unless by Act of the legislative assembly of the state of North Dakota.

SECTION 21. EXEMPTION FROM TAXES AND EXECUTIONS.) Any money received or to be paid as a member's annuity, state annuity or return of deductions or the right of any of these, shall be exempt from any state or municipal tax and from levy, sale, garnishment, attachment or any other process whatsoever and shall be unassignable.

SECTION 22. NOMINATION OF BENEFICIARY.) Every contributor shall have the authority to name his beneficiary by written designation duly acknowledged and filed with the board, and to change the beneficiary in like manner. Such designations and all changes must be filed with the board up until, but not after, the time of retirement.

SECTION 23. SERVICE IN THE ARMED FORCES OF THE UNITED STATES.) Any member of the North Dakota highway patrol now in or hereafter inducted into the armed forces of the United States, shall have the option:

1. To continue his payments into the fund; or
2. Allow the board to make his payments for him during such military service, in which event he shall repay the fund the full amount of such payments upon his return to the North Dakota highway patrol, and such repayments must be made within two years after his return to the patrol in the same manner as provided in section 9 of this Act, provided that a member's service in the armed forces of the United States shall be credited to and made a part of the member's service allowance.

SECTION 24. FRAUD: CORRECTION OF ERRORS.) No person shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system. Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the board shall correct such error and shall adjust the payments

which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 25. RESTRICTIONS UPON PAYMENTS.) If any beneficiary is convicted of a felony, the board shall have the authority to revoke or suspend for as long a time as it sees fit, disbursement of the state annuity. Where the illness or injuries causing a contributor to be retired or where the death of a contributor is directly and proximately caused by such contributor's immoral or intemperate conduct or gross negligence, the board shall have the authority to refuse, revoke, or suspend for as long a time as it sees fit, disbursement of the state annuity.

SECTION 26. SUBROGATION.) Where a third person is liable to the member or his dependents for injury or death, the state shall be subrogated to the right of the member or the dependents against such third person; but only to the extent of the state annuity payable under this Act by the state. Any recovery against such third person, in excess of the state annuity theretofore paid or thereafter to be paid by the state shall be paid forthwith to the contributor or the person designated by the contributor.

SECTION 27. PAYMENTS UNDER OTHER LAWS.) All payments provided for in this Act are in addition to any other benefits now or hereafter provided for under the workmen's compensation act of the state of North Dakota.

SECTION 28. CONSTITUTIONAL PROVISIONS.) The provisions of this Act are severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein.

Approved February 28, 1949.



## CHAPTER 240

House Bill No. 268  
(Baeverstad and Einarson)

## HIGHWAY PATROLMEN; APPOINTMENT; REMOVAL; DUTIES

## AN ACT

To amend and reenact Section 39-0303 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to patrolmen: appointment; removal; duties.

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

SECTION 1. AMENDMENT.) That Section 39-0303 of the 1947 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-0303. PATROLMEN; APPOINTMENT; REMOVAL; DUTIES.) The superintendent with the approval of the commissioner, may appoint not more than forty patrolmen who, together with the superintendent and assistant superintendent, shall constitute the division of highway safety and patrol. Such patrolmen shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol such highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. Any patrolman, except a temporary appointee, shall be subject to removal for cause only by the state highway commissioner, secretary of state and attorney general, of which the state highway commissioner shall be chairman. The procedure which shall govern the removal of patrolmen and the appointment and removal of temporary appointees, shall be as follows:

1. Removal proceedings may be initiated by the filing of written charges against the patrolman sought to be removed, verified by the person making the same, which charges shall be filed with the state highway commissioner. If, upon the filing of such charges, the state highway commissioner believes that they constitute grounds for removal, he shall order a hearing thereon before the highway patrol hearing board, and shall fix the time for such hearing, otherwise he shall dismiss such charges;
2. Not less than fifteen days before the time set for the hearing, notice thereof, signed by the chairman, together with a copy of the charge or charges, shall be served on the patrolman accused, by personal service if his whereabouts is known, within the state of North Dakota, otherwise by

publication in the manner provided by law for the service of summons in a civil action. The highway patrol hearing board shall have authority to hear such charge or charges and make an appropriate order in the proceedings, which order shall be filed with the commissioner, and, if it shall be an order of removal, it shall be served upon the person removed either personally or by registered mail within ten days after its issuance;

3. In the event the state highway commissioner orders a hearing, he may, at his discretion, suspend such accused patrolman pending the final determination of the charges; and in case the charges are dismissed, such patrolman shall be reinstated without loss of salary during the period of suspension;
4. Any patrolman, who is dismissed by order of the highway patrol hearing board, may appeal to the district court of Burleigh County, which appeal shall be taken and determined in the manner provided by Chapter 32 of the Title Judicial Procedure, Civil; and
5. Each patrolman appointed after July first, 1947, shall be deemed a temporary appointee for a period of nine months, during which period he shall be placed under probationary training and service. At the end of such training period, such temporary appointee shall be automatically dismissed unless he receives a permanent appointment which shall be approved by the commissioner. During such training period, such temporary appointee shall be subject to dismissal at the will of the superintendent.

Approved March 10, 1949.

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## CHAPTER 241

Senate Bill No. 198  
(Committee on Transportation)

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### DEFINING 'DEALER', MOTOR VEHICLES

#### AN ACT

To amend and reenact sub-section 1, section 39-0401 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to definition of dealer.

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

SECTION 1. AMENDMENT.) That sub-section 1, section 39-0401 of the 1947 Supplement to the North Dakota Revised Code of 1943

be and the same is hereby amended and reenacted to read as follows:

1. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, and possessing a current dealer's license.

Approved March 19, 1949.

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## CHAPTER 242

House Bill No. 218  
(Fleck and Murray)

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### REGISTRATION FEE, SALES AND USE TAX EXEMPTIONS CERTAIN DISABLED VETERANS

#### AN ACT

To amend and reenact chapter 272 of the Session Laws of 1947 providing for the exemption of certain disabled veterans from payment of registration fee for vehicle owned by such disabled veteran and exempting such veteran from the payment of sales and use tax on subsequently purchased automobile, and declaring an emergency.

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

SECTION 1. AMENDMENT.) That section 1 of chapter 272 of the 1947 session laws is hereby amended and reenacted to read as follows:

SECTION 1. REGISTRATION FEE FOR CERTAIN DISABLED VETERANS.) Any disabled veteran owning an automobile under the provisions of Public Law 663 of the 79th Congress of the United States shall have said vehicle and any one vehicle subsequently owned by him exempt from the payment of the registration fee provided for in chapter 39-04 of the North Dakota Revised Code of 1943, except that one dollar shall be charged for each set of such plates and registration on one motor vehicle owned and operated by him for his natural life. Motor vehicle as used in this section shall mean a passenger automobile or a pickup truck of not exceeding ten thousand pounds gross weight.

SECTION 2. EXEMPTION FROM USE AND SALES TAX.) Motor vehicle subsequently acquired by a disabled veteran as set forth in section 1 of this act shall be exempt from the payment of the state sales and or use tax and if payment is made by such veteran he shall be entitled to a refund of the amount so paid.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1949.

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CHAPTER 243

House Bill No. 203  
(Brady and Fleck)

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MOTOR VEHICLE DEALER LICENSE FEES;  
ADDITIONAL NUMBER PLATES

AN ACT

To amend and reenact section 39-0459 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to motor vehicle dealer license fees; additional number plates; and requirements of an applicant for motor vehicle dealer license.

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

39-0459. MOTOR VEHICLE DEALER LICENSES; FEES; ADDITIONAL NUMBER PLATES.) A dealer in passenger automobiles and automobile trucks shall pay a license fee of twenty-five dollars (\$25.00) per year, which license shall allow the dealer to deal in new and used cars. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of five dollars (\$5.00) per set. Such number plates may be used on any car owned by the dealer and used by him in the ordinary course of his business, but shall be used on used cars only when such cars are used for demonstration purposes. A motorcycle dealer shall pay a license fee of five dollars (\$5.00) for each set of motorcycle number plates issued to him. Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone until and unless the applicant shall furnish proof satisfactorily to the registrar of the fact that the applicant has an established place of business, and has facilities and equipment for the maintenance, servicing and repair of motor vehicles. An established place of business wher used in this act shall mean a permanent enclosed building or structure either owned in fee or leased, at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of

evading this act. Said place of business shall not mean residences, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements hereinbefore set forth.

Approved March 9, 1949.

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CHAPTER 244

House Bill No. 204  
(Fleck and Brady)

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MOTOR VEHICLE DEALER BOND;  
TITLE CERTIFICATE TO USED MOTOR VEHICLES FROM OTHER  
STATES

AN ACT

Requiring a bond to be furnished by applicants for a license as a dealer in motor vehicles, conditioned upon compliance with the law by such applicant, and providing the manner of obtaining certificates of title by dealers to used vehicles originating from another state.

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

SECTION 1. BOND REQUIRED.) Before the issuance of a motor vehicle dealer's license, as provided by law, the applicant for such license shall furnish a surety bond executed by the applicant as principal and executed by a surety company, licensed and qualified to do business within the state of North Dakota, which bond shall run to the state of North Dakota, be in the amount of \$3,000.00 and be conditioned upon the faithful compliance by said applicant as a dealer, if the license be issued to it or him, that such dealer will comply with all of the statutes of the state of North Dakota, including this Act, regulating or being applicable to the business of said dealer as a dealer in motor vehicles, and indemnifying any person dealing or transacting business with said dealer in connection with any motor vehicle from any loss or damage occasioned by the failure of such dealer to comply with any of the provisions of Title 39 of North Dakota Revised Code of 1943, as amended, including, but not limited to, the fur-

nishing of a proper and valid certificate of title to the motor vehicle involved in any such transaction, and that such bond shall be filed with the registrar of motor vehicles prior to the issuance of license provided by law. The aggregate liability of the surety to all persons, however, shall in no event exceed the amount of said bond.

SECTION 2. Every dealer in motor vehicles, before selling or conveying title to a used motor vehicle, the title of which originates from another state, or which does not have issued to it a certificate of title issued by the motor vehicle department of the state of North Dakota, shall secure a certificate of title to such vehicle from the department, and on the sale or conveyance of such motor vehicle, such dealer shall complete an assignment on such certificate to such purchaser or assignee. When application is made on such certificate, the dealer shall submit evidence of ownership to the department, sufficient to establish the ownership of such vehicle by the dealer. Such a title shall be designated a "dealer title" and payment of a license fee on such vehicle shall not be required until required by Section 39-0462, North Dakota Revised Code of 1943.

Approved March 11, 1949.

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## CHAPTER 245

Senate Bill No. 200  
(Committee on Transportation)

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### MOTOR VEHICLE REGISTRATION CARD; ISSUANCE, ETC.

#### AN ACT

To amend and reenact section 39-0510 of the North Dakota Revised Code of 1943, relating to registration card; issuance, contents; signing of.

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

SECTION 1. AMENDMENT.) That section 39-0510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0510. REGISTRATION CARD; ISSUANCE; CONTENTS; SIGNING OF.) Upon registering a motor vehicle, the department shall issue to the applicant a registration card which shall set forth on its face:

1. The date issued;
2. The registration number assigned to the applicant and to the vehicle;
3. A description of the registered vehicle, including the engine and serial numbers;
4. The date of the sale by the manufacturer or dealer to the person first operating such vehicle;
5. A space for the signature of the applicant; and
6. Such other statements of fact as may be determined by the department.

Upon receiving a registration card, the applicant shall sign his usual signature or name with pen and ink in the space provided upon such card.

Approved March 8, 1949.

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## CHAPTER 246

Senate Bill No. 197  
(Committee on Transportation)

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### REPEAL MOTOR VEHICLE REGISTRATION CARD ENDORSEMENT

#### AN ACT

Repealing Section 39-0515 of the North Dakota Revised Code of 1943 relating to registration card to be endorsed and sent to department upon transfer of vehicle; penalty.

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

SECTION 1. REPEAL.) Section 39-0515 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1949.

## CHAPTER 247

Senate Bill No. 196  
(Committee on Transportation)

## MOTOR VEHICLE TRANSFER; CERTIFICATE ENDORSEMENT

## AN ACT

To amend and reenact section 39-0517 of the North Dakota Revised Code of 1943, relating to transfer of title of vehicle; endorsement required; certificate of title delivered; new certificate obtained; penalty.

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

SECTION 1. AMENDMENT.) That section 39-0517 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0517. TRANSFER OF TITLE OF VEHICLE; ENDORSEMENT REQUIRED; CERTIFICATE OF TITLE DELIVERED; NEW CERTIFICATE OBTAINED; PENALTY.) The owner of a motor vehicle who sells or transfers his title to such vehicle shall endorse an assignment and warranty of title upon the certificate of title for such vehicle, with a statement of all liens or encumbrances thereon, which statement shall be verified under oath by the owner. The owner shall deliver the certificate of title as provided in section 39-0518. Under the terms of the contract for sale of the vehicle, if the legal title does not pass to the purchaser, the legal title owner shall endorse thereon the amount of his lien, the date thereof and the name of the purchaser, and shall send the certificate of title to the motor vehicle registrar with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the amount and date of the lien of the legal owner, which certificate of title when issued shall be returned by the motor vehicle registrar to the legal title owner, who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. Except as is otherwise provided in section 39-0518, the purchaser or transferee thereupon shall present such endorsed and assigned certificate to the department, accompanied by a transfer fee of one dollar, and shall make an application for and obtain a new certificate of title for such vehicle. A violation of the provisions of this section shall constitute a misdemeanor.

Approved March 8, 1949.



## CHAPTER 248

Senate Bill No. 203  
(Committee on Transportation)

## MOTOR VEHICLE TITLE CERTIFICATE ON RESALE BY DEALER

## AN ACT

To amend and reenact section 39-0518 of the North Dakota Revised Code of 1943, relating to forwarding certificate of title to department not required when transferee is a dealer; exception.

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

SECTION 1. AMENDMENT.) That Section 39-0518 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0518. FORWARDING CERTIFICATE OF TITLE TO DEPARTMENT NOT REQUIRED WHEN TRANSFEREE IS DEALER: EXCEPTION.) When the transferee of a vehicle is a licensed dealer who holds the same for resale and operates the same only for purposes of demonstration, and such vehicle carries North Dakota title, such transferee shall not be required to forward the certificate of title to the department, as provided in Section 39-0517, but such transferee, upon transferring his title to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title and send the same to the motor vehicle registrar together with an application of the person to whom transferred for a new title. A violation of the provisions of this section shall constitute a misdemeanor.

Approved March 19, 1949.

## CHAPTER 249

Senate Bill No. 112  
(Rue)

## TRAFFIC CONTROL BY LOCAL ORDINANCE

## AN ACT

To amend and reenact section 39-0704, Revised Code of North Dakota for 1943, defining the powers of local authorities to regulate and control traffic by ordinance.

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

SECTION 39-0704. POWERS OF LOCAL AUTHORITIES.) Except as expressly authorized by section 39-0903 and section 39-0703, local authorities may not alter any speed limitations declared in chapter 9 of this title, or enforce any rule or regulation contrary to the provisions of chapters 8 to 13 inclusive, of this title. Local authorities, under ordinance, shall have the power to:

1. Regulate traffic by means of traffic officers, semaphores, or other signaling devices on any portion of the highway where traffic is heavy or continuous;
2. Prohibit other than one-way traffic upon certain highways;
3. Regulate the use of the highways by processions or assemblages;
4. Regulate the speed of vehicles in public parks. Adequate signs giving notice of any such special speed limit that may be provided for shall be erected and placed in the entrances to all such parks; and
5. Regulate and control the use of public and private parking lots.

Approved March 8, 1949.

## CHAPTER 250

Senate Bill No. 148

(Olson of Barnes, Stucke, Welander and Mehlhaff)

DRIVING MOTOR VEHICLE UNDER INFLUENCE OF INTOXICANT  
OR NARCOTIC; PRESUMPTIONS; PENALTIES

## AN ACT

To amend and reenact section 39-0801 of the North Dakota Revised Code of 1943, providing for punishment of any person driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs, establishing presumptions for the determination of what constitutes being under the influence of liquor.

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

SECTION 1. AMENDMENT.) Section 39-0801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0801. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE VEHICLE; DECLARING WHAT CONSTITUTES BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR: PENALTY.) No person shall drive any vehicle upon a highway in this state if:

1. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug;
2. He is under the influence of intoxicating liquor;
  - a. If in any criminal prosecution for a violation of this subsection, there was at the time alleged as shown by chemical analysis;
    - (1). Five hundredths percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;
    - (2). Fifteen hundredths percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
    - (3). In excess of five hundredths percent but less than fifteen hundredths percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

- b. The provisions of subdivision a of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor. No defendant shall be required to submit to any chemical test without his consent.

Any person violating any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Upon a second or subsequent offense, such person shall be punished by imprisonment for not less than ninety days nor more than one year, and, in the discretion of the court, a fine of not more than one thousand dollars.

Approved February 26, 1949.

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## CHAPTER 251

House Bill No. 324  
(Graham and Stormon of Rolette)

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### RECKLESS DRIVING VEHICLE; PENALTY

#### AN ACT

To amend and reenact section 39-0803 of the North Dakota Revised Code of 1943 relating to reckless driving, defining aggravated reckless driving, and prescribing penalties.

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

SECTION 1. AMENDMENT.) That Section 39-0803 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted to read as follows:

SECTION 39-0803. RECKLESS DRIVING: PENALTY.) Any person shall be guilty of reckless driving if he drives a vehicle upon a highway:

1. Carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others;
2. Without due caution and circumspection; or
3. At a speed or in a manner to endanger or likely to endanger any person or the property of another.

Except as otherwise herein provided, any person violating the provisions of this section shall be punished by a fine of not more

than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment. Upon a second or a subsequent offense, such person shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. Any person, however, violating the provisions of this section, who by reason of reckless driving as herein defined, causes and inflicts injury upon the person of another, shall be guilty of aggravated reckless driving, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court.

Approved March 11, 1949.

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CHAPTER 252

House Bill No. 40  
(Langley)

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REAR LAMPS, REFLECTORS, AND REFLECTING MATERIAL  
FOR ALL VEHICLES

AN ACT

To amend and reenact section 39-1105 of the North Dakota Revised Code of 1943, relating to rear lamps, reflectors, and reflecting material on vehicles.

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

SECTION 1. AMENDMENT.) Section 39-1105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows.

39-1105. VEHICLES TO BE EQUIPPED WITH REAR LAMPS, REFLECTORS OR REFLECTING MATERIAL.) All vehicles, including animal drawn vehicles, implements of husbandry, and road machinery, not specifically required to be equipped with lamps, shall at the time specified in section 39-1101 be equipped with rear lamps, reflectors, or reflecting material. Such rear lamps, reflectors, or reflecting material shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within five hundred feet to fifty feet from the vehicle when directly in front of lawful upper beams of head lamps. Every motor vehicle shall carry at the rear a lamp of a type which has been approved by the registrar and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred feet to the rear of such vehicle.

Approved February 9, 1949.

## CHAPTER 253

House Bill No. 50

(Legislative Research Committee)

(at the request of the State Highway Commissioner and the  
Public Service Commissioner)

## WHEN MOTOR VEHICLE CLEARANCE LAMPS REQUIRED

## AN ACT

To amend and reenact section 39-1106 of the North Dakota Revised Code of 1943, relating to the clearance lamps required on certain motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-1106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1106. CLEARANCE LAMPS; REQUIRED WHEN.) Every motor vehicle other than any road roller, road machinery, or farm tractor, having a width at any part in excess of eighty inches shall carry two clearance lamps on the left side of such vehicle, one located at the front, and displaying an amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, and the other located at the rear of the vehicle, and displaying a red light visible under like conditions from a distance of five hundred feet to the rear of the vehicle.

Approved February 9, 1949.

## CHAPTER 254

House Bill No. 307

(Simenson, Siverson, Holand, Leet, Nygaard, Baeverstad)

## UNIFORM HIGHWAY TRAFFIC SIGNS

## AN ACT

To amend and reenact Sections 39-1301 and 39-1302 of the North Dakota Revised Code of 1943, relating to traffic signs.

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

SECTION 1. AMENDMENT.) Section 39-1301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1301. UNIFORM MARKING AND ERECTION OF SIGNS ON HIGHWAY.) The commissioner may classify, designate, and mark both intrastate and interstate highways lying within the boundaries of this state and which are under the jurisdiction of the state highway department to provide a uniform system of marking and posting such highways. Such systems of marking and posting shall correlate with, and, as far as possible, shall conform to, the system adopted in other states. Any dead end highway or highway which turns abruptly where there is no road or highway continuing straight ahead, shall be marked by placing three hundred fifty feet from the dead end or turn, and at the dead end or turn suitable signs so constructed as to be luminous by efficient reflecting elements.

SECTION 2. AMENDMENT.) Section 39-1302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1302. LOCAL TRAFFIC SIGNS.) Local authorities in their respective jurisdictions may cause appropriate signs to be erected and maintained, designating residence and business districts, highway and grade crossings, and such other signs as may be deemed necessary to carry out the provisions of this chapter, and such additional signs as may be appropriated to give notice of local parking and other special regulations. Any county road maintained by expenditures from the county road fund shall be marked at dead ends by placing three hundred fifty feet from the dead end, and at the dead end, suitable signs so constructed as to be luminous by efficient reflecting elements. A dead end road shall be considered as a road which turns abruptly and where there is no road continuing straight ahead.

Approved March 10, 1949.

## CHAPTER 255

Senate Bill No. 192  
(Duffy)

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## SUSPENSION DRIVERS LICENSE; SECURITY DEPOSIT

## AN ACT

To amend and reenact section 39-1605 of the 1947 Supplement to the North Dakota Revised Code of 1943, providing for the suspension of operators licenses when involved in accidents unless security is deposited, authorizing the highway commissioner to grant additional time.

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

SECTION 1. AMENDMENT.) Section 39-1605 of the 1947 Supplement to the North Dakota Revised Code of 1943, be amended and reenacted to read as follows:

39-1605. SUSPENSION OF LICENSE. WHEN; WHEN NOT APPLICABLE.) The commissioner, within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of one hundred dollars, shall suspend the license of each driver and owner of each vehicle in any manner involved in such accident, and if such driver or owner is a non-resident the privilege of operating a motor vehicle within this state unless such driver or owner shall deposit security as provided in sections 9 and 10 of this act in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such driver or owner; provided notice of such suspension shall be sent by the commissioner to such driver and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security. The commissioner may, however, stay, on application, the suspension of license provided herein, for an additional period of not to exceed four months when an immediate suspension would result in hardship, or the facts presented to the commissioner indicate a doubt as to the liability of the party. This section shall not apply under the conditions stated in Section 6 of this act or to any of the following:

1. To such driver or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident, affording substantially the same coverage as is



required for proof of financial responsibility under this chapter ;

2. To such driver, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicle, affording substantially the same coverage as required for proof of financial responsibility under this chapter ;
3. To such driver or owner if the liability of such driver or owner if the liability of such driver or owner for damages resulting from such accident, is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond ; or
4. To the driver or owner of any motor vehicle if such owner is at the time of such accident qualified as a self-insurer under section 32 of this act.

No such policy or bond shall be effective under this section unless by an insurance carrier or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance carrier or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the commissioner to accept service, on its behalf, of notice or process in any action upon such policy or bond arising out of such accident ; provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property to a limit of not less than one thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of notice of such accident, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident.

Approved March 8, 1949.