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**PUBLIC UTILITIES**

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**CHAPTER 295**

Senate Bill No. 167  
(Duffy)

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**PUBLIC UTILITY PROPERTY TRANSFERS; RECORDING, ETC.****AN ACT**

To amend and reenact sections 49-0914 and 49-0915 of the North Dakota Revised Code of 1943 relating to public utility general property transfers and the recording thereof and conveyance by public utilities of property other than right-of-way and recording thereof.

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

SECTION 49-0914. UTILITY PROPERTY TRANSFERS RECORDED WITH SECRETARY OF STATE.) Every general conveyance, lease, deed of trust, mortgage, assignment, or satisfaction thereof, made by any public utility or corporation of any franchise, right-of-way, real estate, fixtures, poles, wires, pipes, conduits, and general equipment used in carrying on the business of a public utility in pursuance of law shall be executed and acknowledged in the manner in which a conveyance of real estate by a corporation is required to be executed and acknowledged to entitle the same to be recorded. It shall be recorded in the office of the secretary of state, who shall endorse thereon his certificate specifying the day and hour of its reception and the volume and page where recorded, and such certificate shall be evidence of the fact of recording. Every such record of any instrument, from the time of reception, shall have the same effect as to any property in this state described therein as the record of any similar instrument in the office of a register of deeds may have by law as to property in the county in which such register of deeds holds office, and shall be notice of the rights and interests of the grantee, lessee, or mortgagee to the same extent as if it were recorded in each of the several counties in which any property therein described may be situated;

SECTION 49-0915. CONVEYANCE OF REAL PROPERTY OTHER THAN RIGHT-OF-WAY; RECORDING.) Every such conveyance, lease, deed of trust, or mortgage, made by a public utility which covers any real property other than that used by such public utility as a right-of-way for its railway, telegraph or telephone lines, or gas or oil pipe lines, also shall be recorded in the office of the register of

deeds for each county wherein such other real estate, or any part thereof, is situated. Such conveyance, lease, deed of trust, or mortgage shall not operate as a conveyance of, nor as creating any lien upon, any such real estate other than the right-of-way, until such instrument has been duly recorded in the office of the register of deeds of the county in which the same is situated.

Approved March 8, 1949.

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CHAPTER 296

House Bill No. 336

(Frank, Helm, Westby, by request)

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ELECTRIC HEAD AND REAR LIGHTS,  
RAILROAD TRACK MOTOR CARS

AN ACT

To provide for the installation of head and rear lights on track motor cars operated by railroads and providing a penalty.

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

SECTION 1.) From and after September 1, 1949 every person, firm or corporation operating or controlling any railroad running through or within the state shall equip each of its track motor cars used during the period from thirty minutes before sunset to thirty minutes after sunrise, with:

1. An electric headlight of such construction and of sufficient candlepower to render plainly visible at a distance of not less than three hundred feet in advance of such track motor car, any track obstruction, landmark, warning sign or grade crossing; and
2. A rear electric red light of such construction and of sufficient candlepower as to be plainly visible at a distance of three hundred feet.

SECTION 2.) Any person, firm or corporation operating or controlling any railroad running through or within this state using or permitting to be used on its line in this state a track motor car in violation of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of one hundred dollars for each violation.

Approved March 8, 1949.