

MOTOR VEHICLES

CHAPTER 352

SENATE BILL NO. 2081
(Lips, Morgan, Sanstead)
(From Legislative Council Study)

APPOINTMENT AND REMOVAL OF HIGHWAY PATROLMEN

AN ACT to amend and reenact sections 39-03-03 and 39-03-13 of the North Dakota Century Code, relating to the appointment of highway patrolmen and powers of the superintendent of the highway patrol; and to repeal section 39-03-14 of the North Dakota Century Code, relating to the state highway patrol hearing board.

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

SECTION 1. AMENDMENT.) Section 39-03-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03-03. PATROLMEN - APPOINTMENT - REMOVAL - DUTIES.) The superintendent, the assistant superintendent, and the patrolmen shall constitute the highway patrol. The highway patrol 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. All patrolmen and the assistant superintendent shall be appointed by the superintendent. Each patrolman so appointed shall be deemed a temporary appointee for a period of twelve months, during which period he shall be placed under probationary training and service and be subject to dismissal at the will of the superintendent. At the end of such twelve-month period, such temporary appointee shall either be given a permanent appointment by the superintendent or shall be automatically dismissed. The assistant superintendent and patrolmen who have received a permanent appointment shall be subject to removal for cause by the superintendent, but shall be permitted to appeal a dismissal to the North Dakota merit system council in accordance with rules and regulations promulgated under subsection 7 of section 54-42-03, provided that the removal of the assistant superintendent from his position shall not entitle him to appeal such removal unless he is also dismissed from the patrol.

SECTION 2. AMENDMENT.) Section 39-03-13 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03-13. ADDITIONAL POWERS OF SUPERINTENDENT.) In addition to his powers as a member of the highway patrol, the superintendent of the patrol shall have the following powers as administrative head of the patrol:

1. He may organize the patrol into such divisions, bureaus, and districts as he deems necessary.
2. He may designate ranks, fix salaries with appropriate allowances for those ranks, and establish promotional procedures.
3. He may take reasonable disciplinary action against members of the patrol for inefficiency, misconduct, insubordination, or violation of an established rule or regulation, whenever he deems such actions necessary, provided that:
 - a. Where demotion in rank is summarily ordered against a member of the patrol as a disciplinary measure, to be limited to a one-grade reduction in rank, such order shall be appealable to the North Dakota merit system council in accordance with rules and regulations promulgated under subsection 7 of section 54-42-03.
 - b. Where a reduction in pay of a member of the patrol is summarily ordered as a disciplinary measure, it shall be limited to one year's duration and such order shall be appealable to the North Dakota merit system council in accordance with rules and regulations promulgated under subsection 7 of section 54-42-03.
 - c. Suspension of pay for a member of the patrol for a period not exceeding seven days may be summarily ordered as a disciplinary measure, but an order for suspension of pay for a longer period shall be appealable to the North Dakota merit system council in accordance with rules and regulations promulgated under subsection 7 of section 54-42-03.
 - d. Such suspension of pay for a member of the patrol may be summarily ordered not more than twice in one year as separate disciplinary measures, except that further suspensions shall be appealable to the North Dakota merit system council in accordance with rules and regulations promulgated under subsection 7 of section 54-42-03.

SECTION 3. REPEAL.) Section 39-03-14 of the North Dakota Century Code is hereby repealed.

Approved February 20, 1971

CHAPTER 353

HOUSE BILL NO. 1227
(Hilleboe, Hensrud)

HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

AN ACT to create and enact section 39-03A-27 of the North Dakota Century Code establishing the legislative intent and relating to effect of amendment of the highway patrolmen's retirement system; to amend and reenact sections 39-03A-09, 39-03A-10, 39-03A-12, 39-03A-14, 39-03A-16, 39-03A-17, 39-03A-21, and 39-03A-21.1 relating to the highway patrolmen's retirement system, payment by contributors, contributions of the state, retirement allowance, optional retirement allowance, disability retirement allowance, severance allowance, payments in case of death and children's benefits; and to repeal subsection 7 of section 39-03A-01 relating to the definition of average monthly salary.

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

SECTION 1.) Section 39-03A-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-03A-27. LEGISLATIVE INTENT - EFFECT OF AMENDMENTS UPON EXISTING RIGHTS.)

1. The legislative assembly in recognition of the value of good employer-employee relationships and the need to recruit and retain qualified highway patrolmen in this state, hereby declares its intent that the state should provide the comparable contribution for retirement of highway patrolmen's retirement system members as it provides for other state employees. It is the further intent of the legislative assembly that because of the increase in state contributions to the North Dakota highway patrolmen's retirement system, the members of such system shall not obligate the state to additional payments for federal social security benefits for such members.
2. Nothing contained in this chapter or in any amendment thereto or any amendment of any section thereof which has been or shall be adopted from time to time, unless the amendment expressly states otherwise, shall reduce, modify or enlarge any rights, privileges, or benefits established prior to the effective date

of such amendment. All retirement payments, disability payments, widow's benefits, children's benefits, severance payments and death payments which have become fixed and determined prior to the effective date of any such amendment or of this section shall remain unchanged unless the amendment expressly states otherwise; provided that all existing pensioners, widows and dependent children who are receiving payments from the fund as of July 1, 1971, or who have been granted a benefit by the highway patrolmen's retirement board, shall be entitled to receive, from and after that date, an increase of ten percent in such payments, or benefits.

SECTION 2. AMENDMENT.) Section 39-03A-09 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-09. PAYMENTS BY CONTRIBUTORS.) Every member shall be required to contribute into the fund a sum equal to nine percent of his monthly salary, but not to exceed sixty seven dollars and fifty cents, which sum shall be deducted from his salary and credited to his account in the fund. A contributor who was paid a refund or severance allowance upon termination of employment with the patrol and who again becomes a contributor may, at any time prior to retirement, elect to return to the fund the amount which was paid him as a refund or severance allowance plus regular interest thereon for the period during which such amount was withdrawn from the fund. All such payments must be made in full before a retirement or optional retirement allowance is granted, and, if the contributor elects to make such payment, any survivor's allowance to which his survivor would otherwise be entitled shall be reduced by an amount and for such time as will assure that the back payments will be returned to the fund. Every contributor who shall elect to make such back payments shall receive full credit under this chapter for all contributions made into the fund and for all service credits to which he might thereby be entitled.

SECTION 3. AMENDMENT.) Section 39-03A-10 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-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.

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

39-03A-12. RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A-11 shall be entitled to

receive from the fund for the duration of his life, a monthly retirement allowance equal to two percent of the average monthly salary, not to exceed seven hundred fifty dollars, for the sixty months of service immediately preceding retirement from the patrol, multiplied by twenty-five. For each complete additional year of service over twenty-five the contributor shall be entitled to an additional one percent per month of his average salary, as determined above.

SECTION 5. AMENDMENT.) Section 39-03A-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 6. AMENDMENT.) Section 39-03A-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 7. AMENDMENT.) Section 39-03A-17 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-17. SEVERANCE ALLOWANCE.) Each contributor who has not reached the age of sixty and whose employment with the patrol has been terminated and who is not entitled to any retirement or survivors benefits, shall be entitled to receive from the fund, upon making application therefor to the board, a severance allowance which shall consist of the amount of the accumulated deductions of the contributor plus regular interest.

SECTION 8. AMENDMENT.) Section 39-03A-21 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-21. PAYMENTS IN CASE OF DEATH.) Whenever a contributor, whether or not he is receiving or is entitled to receive a retirement, optional retirement, or disability retirement allowance, dies leaving a surviving wife or children an allowance shall be paid to the surviving wife until her

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

Eligibility for benefits under the provisions of this section shall be effective for the widows or children of all members making contributions to the North Dakota highway patrolmen's retirement fund subsequent to July 1, 1955.

Such allowance shall be one hundred sixty-five dollars per month.

SECTION 9. AMENDMENT.) Section 39-03A-21.1 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-21.1. CHILDREN'S BENEFIT - LIMITATION.) Each dependent child of a contributor shall be entitled to receive a monthly benefit of eleven dollars until such dependent child reaches the age of eighteen years. In the event of the remarriage of the surviving wife, each such dependent child shall then be entitled to receive a monthly benefit of twenty-seven dollars and fifty cents until such dependent child reaches the age of eighteen years. The benefits provided for dependent children in this section shall be payable only if the child or children are not receiving benefits under the preceding section. The aggregate maximum family benefit under this section and the preceding section shall, however, in no event exceed the two hundred twenty dollars per month. The children's benefit payable under this section or the preceding section shall be paid to the parent or legally appointed guardian as the case may be.

SECTION 10. REPEAL.) Subsection 7 of section 39-03A-01 of the 1969 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 3, 1971

CHAPTER 354

HOUSE BILL NO. 1441
(Giffey)

DEFINITION OF
"COMMERCIAL FREIGHTING"

AN ACT to amend and reenact subsection 7 of section 39-04-01 of the North Dakota Century Code, relating to the definition of commercial freighting.

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

SECTION 1. AMENDMENT.) Subsection 7 of section 39-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. "Commercial freighting" shall mean the carriage of things other than passengers, for hire, except that such terms shall not include:

- a. The carriage of things other than passengers within the limits of the same city;
- b. Carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or in the immediate vicinity thereof, in this state, and not to exceed two miles from the corporate limits of said city; or
- c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market;

Approved March 18, 1971

CHAPTER 355

HOUSE BILL NO. 1442
(Giffey)

FURNISHING TIRE SIZE ON TRUCK
REGISTRATION APPLICATION

AN ACT to repeal section 39-04-03 of the North Dakota Century Code, relating to furnishing of tire size on application for registration of trucks.

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

SECTION 1. REPEAL.) Section 39-04-03 of the North Dakota Century Code is hereby repealed.

Approved March 18, 1971

CHAPTER 356

SENATE BILL NO. 2326
(Forkner, Page)

GROUNDS FOR REFUSAL TO
REGISTER MOTOR VEHICLE

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

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

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

39-04-05. GROUNDS FOR REFUSING REGISTRATION OR CERTIFICATE OF TITLE.) The department shall refuse registration or any transfer of registration upon any of the following grounds:

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

Approved March 11, 1971

CHAPTER 357

HOUSE BILL NO. 1555
(Boustead)

LICENSE PLATE CONTENTS AND FEES

AN ACT to amend and reenact section 39-04-12, subsections 2, 3, 4, and 5 of section 39-04-19 of the 1969 Supplement to the North Dakota Century Code, and section 39-04-21 of the North Dakota Century Code, relating to contents of number plates and motor vehicle registration fees.

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

SECTION 1. AMENDMENT.) Section 39-04-12 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-12. CONTENTS OF NUMBER PLATES - SIZE OF LETTERS AND NUMERALS ON PLATES - REFLECTORIZED - TABS OR STICKERS - ADDITIONAL FEE.) Number plates shall be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and shall be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce high-way accidents at night all such number plates shall be legible for a minimum distance of one hundred feet to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each standard six inch by twelve inch finished numeral plate except trailer plates and dealer's plates shall be treated with a reflectORIZED material according to the specifications prescribed by the registrar. The registrar shall furnish such number plates for a four-year period commencing January 1, 1958. In any year during which number plates are not furnished the registrar shall furnish for each annual registration a year plate, tab, or sticker to designate the year of registration. This plate, tab, or sticker shall show the calendar year for which issued, and is valid only for that year. It shall be unlawful for any person to transfer to another vehicle the number plate, tab, or sticker during the period or calendar year for which issued.

The motor vehicle registrar may, in his discretion, provide special plates marked with initials, letters, or combination of numerals and letters at the request of the registrant, upon application therefor and upon payment of an additional fee of one hundred dollars. In the event of sale or transfer of the vehicle,

the special plates shall be surrendered and upon application, a regular license plate shall be issued without additional cost.

SECTION 2. AMENDMENT.) Subsections 2, 3, 4, and 5 of section 39-04-19 of the 1969 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

- 2. Motor vehicles required to be registered in this state shall 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 shall be prorated on a monthly basis. The minimum fee charged hereunder shall be three dollars:
 - a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

YEARS REGISTERED

Gross Weight	1st,2nd,and 3rd Years	4th,5th,and 6th Years	7th,8th,and 9th Years	10th and Subsequent Years
1999 or less	\$ 27.00	\$ 21.00	\$ 16.00	\$ 11.00
2000 - 2399	29.00	23.00	17.00	12.00
2400 - 2799	31.00	25.00	19.00	13.00
2800 - 3199	33.00	26.00	20.00	14.00
3200 - 3599	37.00	29.00	22.00	15.00
3600 - 3999	41.00	33.00	25.00	17.00
4000 - 4499	51.00	41.00	31.00	21.00
4500 - 4999	67.00	53.00	40.00	27.00
5000 - 5999	95.00	76.00	57.00	38.00
6000 - 6999	125.00	100.00	75.00	50.00
7000 - 7999	155.00	124.00	93.00	62.00
8000 - 8999	185.00	148.00	111.00	74.00
9000 - and over	215.00	172.00	129.00	86.00

In addition to the fees required in this subsection and section 49-18-32, all motor buses used for the transportation of persons for hire over the highways of this state, which have a seating capacity of more than seven passengers shall pay an annual additional license fee of eight dollars and fifty cents for each passenger capacity in excess of seven. The registrar shall design a distinctive number plate for such vehicles. Motor passenger buses operating exclusively within the corporate limits of any village or city shall not be required to pay this fee.

- b. School buses 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 of this section:

Gross Weights	YEARS REGISTERED			
	1st,2nd,and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0- 4,000	\$ 19.00	\$ 15.00	\$ 11.00	\$ 11.00
4,001- 6,000	24.00	19.00	15.00	11.00
6,001- 8,000	29.00	23.00	18.00	11.00
8,001-10,000	34.00	28.00	21.00	12.00
10,001-12,000	40.00	32.00	24.00	14.00
12,001-14,000	45.00	36.00	27.00	16.00
14,001-16,000	50.00	40.00	30.00	18.00
16,001-18,000	55.00	44.00	33.00	20.00
18,001-20,000	61.00	49.00	37.00	22.00
20,001-22,000	66.00	53.00	40.00	23.00
22,001-24,000	71.00	57.00	43.00	25.00

Gross Weights	YEARS REGISTERED		
	1st,2nd,3rd and 4th Years	5th,6th,7th,8th and 9th Years	10th and Subsequent Years
24,001-26,000	\$ 156.00	\$ 125.00	\$ 109.00
26,001-28,000	191.00	153.00	134.00
28,001-30,000	226.00	181.00	158.00
30,001-32,000	261.00	209.00	183.00
32,001-34,000	296.00	237.00	207.00
34,001-36,000	331.00	265.00	232.00
36,001-38,000	366.00	293.00	256.00
38,001-40,000	401.00	321.00	281.00
40,001-42,000	436.00	349.00	305.00
42,001-44,000	471.00	377.00	330.00
44,001,46,000	506.00	405.00	354.00
46,001-48,000	541.00	433.00	379.00
48,001-50,000	576.00	461.00	403.00
50,001-52,000	611.00	489.00	428.00
52,001-54,000	646.00	517.00	452.00
54,001-56,000	681.00	545.00	477.00
56,001-58,000	716.00	573.00	501.00
58,001-60,000	751.00	601.00	526.00
60,001-62,000	786.00	629.00	550.00
62,001-64,000	821.00	657.00	575.00
64,001-66,000	856.00	685.00	599.00
66,001-68,000	891.00	713.00	624.00
68,001-70,000	926.00	741.00	648.00
70,001-72,000	961.00	769.00	673.00
72,001-73,280	996.00	797.00	697.00

c. Motorcycles:

- (1) Without side car, five dollars per motorcycle
- (2) With side car, eight dollars per unit

d. A house car shall be subject to registration at the corresponding rate prescribed for trucks under

section 39-04-19, and the registrar shall issue distinctive plates for each house car registered.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 663 of the 79th Congress of the United States as codified into Section 1901 of title 38 of the United States Code shall be exempt from the payment of state sales or use tax and, if paid, such veterans shall be entitled to a refund. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds gross weight subsequently purchased or acquired by such a disabled veteran, provided that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time.
4. The fee for a trailer identification plate for all privately owned trailers shall be two dollars; for all trailers which are offered for lease or rent to the public, five dollars; and for all commercial trailers, ten dollars.
5. Trucks or combinations of trucks and trailers weighing from 24,001 to 73,280 pounds which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from 24,001 to 73,280 pounds owned by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from such farms, nor otherwise for hire.

Gross Weights	1st,2nd,and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0- 4,000	\$ 19.00	\$ 15.00	\$ 11.00	\$ 11.00
4,001- 6,000	24.00	19.00	15.00	11.00
6,001- 8,000	29.00	23.00	18.00	11.00
8,001-10,000	34.00	28.00	21.00	12.00
10,001-12,000	40.00	32.00	24.00	14.00
12,001-14,000	45.00	36.00	27.00	16.00
14,001-16,000	50.00	40.00	30.00	18.00
16,001-18,000	55.00	44.00	33.00	20.00
18,001-20,000	61.00	49.00	37.00	22.00
20,001-22,000	66.00	53.00	40.00	23.00
22,001-24,000	71.00	57.00	43.00	25.00
24,001,26,000	76.00	61.00	46.00	27.00
26,001-28,000	86.00	69.00	52.00	31.00
28,001-30,000	96.00	77.00	58.00	35.00

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
30,001-32,000	106.00	85.00	64.00	39.00
32,001-34,000	116.00	93.00	70.00	43.00
34,001-36,000	126.00	101.00	76.00	47.00
36,001-38,000	136.00	109.00	82.00	51.00
38,001-40,000	146.00	117.00	88.00	55.00
40,001-42,000	156.00	125.00	94.00	59.00
42,001-44,000	166.00	133.00	100.00	63.00
44,001-46,000	176.00	141.00	106.00	67.00
46,001-48,000	186.00	149.00	112.00	71.00
48,001-50,000	196.00	157.00	118.00	75.00
50,001-52,000	206.00	165.00	124.00	79.00
52,001-54,000	216.00	173.00	130.00	83.00
54,001-56,000	226.00	181.00	136.00	87.00
56,001-58,000	236.00	189.00	142.00	91.00

Gross Weights	1st, 2nd, 3rd and 4th Years	5th, 6th, 7th, 8th and 9th Years	10th and Subsequent Years
58,001-60,000	\$ 751.00	\$ 601.00	\$ 526.00
60,001-62,000	786.00	629.00	550.00
62,001-64,000	821.00	657.00	575.00
64,001-66,000	856.00	685.00	599.00
66,001-68,000	891.00	713.00	624.00
68,001-70,000	926.00	741.00	648.00
70,001-72,000	961.00	769.00	673.00
72,001-73,280	996.00	797.00	697.00

SECTION 3. AMENDMENT.) Section 39-04-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-21. FEES FOR MOTOR VEHICLES FIRST REGISTERED IN STATE.) When a motor vehicle first becomes subject to registration during the calendar year, the registration fee shall be for the remainder of the year prorated on a monthly basis, one-twelfth of the annual registration fee for each calendar month or fraction thereof. Penny adjustments shall be carried to the next even dollar. Temporary registrations shall be issued in such manner as is prescribed by the motor vehicle registrar.

Approved March 29, 1971

CHAPTER 358

HOUSE BILL NO. 1435
(Boustead, Boyum)

DUPLICATE LICENSE OR
REGISTRATION CARD

AN ACT to amend and reenact section 39-04-13 of the 1969 supplement to the North Dakota Century Code, relating to number plates, tabs, sticker or registration card for motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-04-13 of the 1969 supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-13. DUPLICATES TO BE OBTAINED OF NUMBER PLATE, TAB, STICKER, OR REGISTRATION CARD IF LOST, MUTILATED, OR ILLEGIBLE - FEE.) If any number plate, tab, sticker, or registration card issued under the provisions of this chapter shall be lost, mutilated, or shall become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the department and upon payment of the cost of issuing the duplicate item, not to exceed the sum of three dollars for each duplicate number plate, tab, sticker, or registration card issued.

Approved March 18, 1971

CHAPTER 359

SENATE BILL NO. 2327
(Forkner, Page)

PENALTIES FOR LATE
MOTOR VEHICLE REGISTRATION

AN ACT to amend and reenact section 39-04-16 of the North Dakota Century Code, relating to penalties for late registration of motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-04-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-16. PENALTY FOR DELINQUENT REGISTRATION FEES - EXCEPTION.) A penalty of one dollar for the first fifteen days, or fraction thereof, of the delinquency, and two dollars for every thirty days or fraction thereof, not to exceed one hundred and fifty days. If the registrar is satisfied that a vehicle is not owned by a dealer and that it has not been operated on the highways during one or more years previous to the application for reregistration, no penalty fee shall be charged.

Approved March 11, 1971

CHAPTER 360

SENATE BILL NO. 2328
(Forkner, Page)

NOTARY CERTIFICATE AS EVIDENCE OF
COMPLIANCE WITH REGISTRATION REQUIREMENT

AN ACT to amend and reenact section 39-04-17 of the 1969 Supplement to the North Dakota Century Code, relating to notary certificates.

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

SECTION 1. AMENDMENT.) Section 39-04-17 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-17. CERTIFICATE OF NOTARY SHOWING COMPLIANCE WITH REGISTRATION IS PRIMA FACIE EVIDENCE.) The possession of a certificate made out by the notary public who took the acknowledgment of the application when the vehicle was first registered or required to be registered under the laws of this state, where such certificate shows the date of application, the make and model of the motor vehicle, the manufacturer's number of the motor vehicle which such application described, and further shows that such notary public personally mailed the application with the remittance fee, shall be prima facie evidence of compliance with motor vehicle law with reference to the motor vehicle therein described, for a period of thirty days from the date of such application. Any violation of the requirements of this section shall constitute grounds for the suspension of the dealer's license; however, no such suspension shall be ordered upon a first violation. Intent shall not be a requisite for showing the violation.

Approved March 11, 1971

CHAPTER 361

HOUSE BILL NO. 1553
(Giffey)

REGISTRATION OF VEHICLES
USED IN COMMERCIAL FREIGHTING

AN ACT to amend and reenact subsection 1 of section 39-04-18 of the 1969 Supplement to the North Dakota Century Code, relating to registration requirements of motor vehicles and to prescribe legislative intent.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 39-04-18 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Except as provided in this section, every motor vehicle as defined in subsection 32 of section 39-01-01 and vehicles used in commercial freighting, as defined in subsection 6 of section 39-01-01, operated or intended to be operated upon any highway, road, or street in this state shall be registered annually with the motor vehicle registrar. Any vehicle being operated on the highways, roads, or streets of this state shall display such license plates as are furnished by the motor vehicle registrar upon the payment of the fees prescribed in this chapter.

Upon satisfactory proof to the registrar that a motor vehicle owned by a resident of this state was not used upon any of the highways of this state in any one or more years, such motor vehicle may be registered upon payment of the registration fee for the current year, and upon further payment of five dollars for each calendar year for which the vehicle was not registered and no license fee was paid therefor.

Any resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense any motor vehicle owned by him without paying any fee for the intervening years when such vehicle was not licensed, nor any penalties therefor, providing such veteran shows by suitable affidavit that such vehicle was not in use during any year in which it was not licensed. Such vehicle shall be licensed for the license fee applicable to the month of the year in which application for license is made.

SECTION 2. LEGISLATIVE INTENT.) It is the intent of the legislature that in the administration of this Act, the motor vehicle department will issue titles to any trailer which was purchased prior to July 1, 1965, and which will be required to be titled by this Act, without collecting motor vehicle excise tax.

Approved March 22, 1971

CHAPTER 362

HOUSE BILL NO. 1434
(Boustead, Boyum)

REGISTRATION CREDIT FOR
DESTROYED VEHICLE

AN ACT to amend and reenact section 39-04-44 of the 1969 Supplement to the North Dakota Century Code relating to registration credits on destroyed vehicles.

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

SECTION 1. AMENDMENT.) Section 39-04-44 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-44. CREDITS ON DESTROYED VEHICLE.) Any owner of a motor vehicle licensed or taxed in this state, if such vehicle is permanently and involuntarily destroyed, may during the same year or following year claim a refund in an amount equal to the unused portion of the fee or tax paid upon the vehicle so destroyed, computed pro rata by the month, one twelfth of the annual fee or tax paid for each month of the year remaining after the month in which such vehicle was so destroyed. Any person or organization who completely destroys or completely dismantles a car or truck so as to cause that car or truck to lose its identity shall forward the title for this vehicle to the motor vehicle registrar within 10 days. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content specified by the registrar.

Approved March 27, 1971

CHAPTER 363

HOUSE BILL NO. 1437
(Boustead, Boyum)

MOTOR VEHICLE TON FEE TAGS

AN ACT to amend and reenact section 39-04A-03 of the North Dakota Century Code relating to motor vehicle ton fee tags.

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

SECTION 1. AMENDMENT.) Section 39-04A-03 is hereby amended and reenacted to read as follows:

39-04A-03. DISTINCTIVE TAGS - ISSUANCE.) The motor vehicle registrar shall issue distinctive tags which shall be numbered consecutively. The tags issued pursuant to this chapter shall be transferable:

1. By the owner to motor vehicles which replace motor vehicles of the same registered gross weight;
2. By an owner to another owner subject to the provisions of this chapter.

Said tag shall be displayed upon the vehicle registered in the same manner as prescribed by section 39-04-11.

Approved March 18, 1971

CHAPTER 364

SENATE BILL NO. 2330
(Forkner, Page)

DELINQUENT REGISTRATION PENALTIES

AN ACT to amend and reenact section 39-04A-05 of the North Dakota Century Code, relating to delinquent registration fees.

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

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

39-04A-05. DELINQUENT FEES - PENALTY.) Fees shall be delinquent on February first after which date, the provisions of section 39-04-16 shall apply, provided the total penalty shall not exceed ten dollars.

Approved March 11, 1971

CHAPTER 365

HOUSE BILL NO. 1365
(Hensrud)

MOTOR VEHICLE
REGISTRATION INDICES

AN ACT to amend and reenact section 39-05-08 of the North Dakota Century Code, relating to indexes on motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-05-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-08. APPLICATION TO BE CHECKED AGAINST CERTAIN INDEXES.) The department shall maintain a vehicle identification number index of registered motor vehicles, and upon receiving an application for a certificate of title it shall check first the vehicle identification number shown in the application against such index.

Approved February 26, 1971

CHAPTER 366

HOUSE BILL NO. 1444
(Giffey)

ISSUANCE OF CERTIFICATE OF TITLE

AN ACT to amend and reenact section 39-05-09 of the 1969 supplement to the North Dakota Century Code, relating to the issuance of a title to a motor vehicle.

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

SECTION 1. AMENDMENT.) Section 39-05-09, of the 1969 supplement to the North Dakota Century Code, is hereby amended and reenacted to read as follows:

39-05-09. ISSUANCE, CONTENTS, DELIVERY, AND TERM OF CERTIFICATE.) After checking the application for a certificate as provided in section 39-05-08, the department, if it is satisfied that the applicant is the person entitled to the possession of the vehicle, shall issue in the name of the owner a certificate of title bearing a serial number, the signature of the registrar, and the seal of his office. Such certificate shall set forth further the date issued, a description of the vehicle as determined by the department, a statement of the owner's title and of all liens or encumbrances upon the vehicle therein described and whether possession is held by the legal owner. Upon the reverse side of such certificate shall be contained forms for the assignment of title or interest and warranty thereof by the owner with a space for the notation of liens and encumbrances upon such vehicle at the time of a transfer. The amount of any lien or encumbrance upon the vehicle need not be shown anywhere on the certificate of title, only the fact of such lien or encumbrance, and the identity of the lien holder or encumbrancer. The department shall deliver the certificate of title to the owner. Said certificate shall be good for the life of the vehicle as long as the vehicle is owned or held by the original holder of such certificate.

Approved March 18, 1971

CHAPTER 367

HOUSE BILL NO. 1439
(Boustead, Boyum)

ISSUING DUPLICATE
CERTIFICATE OF TITLE

AN ACT to provide for the issuance of a duplicate certificate of title to a motor vehicle.

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

SECTION 1. LOST, STOLEN OR MUTILATED CERTIFICATE OF TITLE.) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the department. The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it or, if none, to the owner.

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

Approved March 18, 1971

CHAPTER 368

HOUSE BILL NO. 1433
(Boustead, Boyum)

SUSPENDING OR REVOKING
CERTIFICATE OF TITLE

AN ACT to provide for the suspension or revocation of certificates of title to motor vehicles.

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

SECTION 1. SUSPENSION OR REVOCATION OF CERTIFICATES OF TITLE.) The department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with chapter 28-32 of the North Dakota Century Code, when authorized by any other provision of law or if it finds:

1. The certificate of title was fraudulently procured or erroneously issued, or
2. The vehicle has been scrapped, dismantled or destroyed.
3. For purposes of this section, the following shall apply:
 - a. Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.
 - b. When the department suspends or revokes a certificate of title, the owner or person in possession of it shall immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.
 - c. The department may seize and impound any certificate of title which has been suspended or revoked.

Approved March 27, 1971

CHAPTER 369

HOUSE BILL NO. 1556
(Hensrud)

MAINTAINING FILE OF SURRENDERED
CERTIFICATES OF TITLE

AN ACT to amend and reenact section 39-05-22 of the North Dakota Century Code, relating to surrendered certificates of title to a motor vehicle; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 39-05-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-22. DEPARTMENT TO MAINTAIN FILE OF SURRENDERED CERTIFICATES OF TITLE - PURPOSE.) The department shall retain and appropriately file every surrendered certificate of title, such file to be maintained to permit the tracing of title of vehicles designated therein.

Such file of surrendered certificates of title shall be maintained for a period of five years, or for such further time that the registrar may determine.

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

Approved March 18, 1971

CHAPTER 370

SENATE BILL NO. 2402
(Freed, Nething)

REVOCATION OF DRIVERS' LICENSES

AN ACT to amend and reenact subsection 4 of section 39-06-40.1 of the 1969 Supplement to the North Dakota Century Code, relating to the reproduction of driver's licenses.

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

SECTION 1. AMENDMENT.) Subsection 4 of section 39-06-40.1 of the 1969 Supplement to the North Dakota Century Code is hereby amended to read as follows:

4. The commissioner upon receiving a record of the conviction or other satisfactory evidence of the violation of this section shall revoke forthwith the operator's or driver's license or driving privileges of such person. The period of revocation shall be determined at the discretion of the commissioner.

Approved March 4, 1971

CHAPTER 371

SENATE BILL NO. 2387
(Sanstead)

PENALTIES FOR DRIVING
WHILE INTOXICATED

AN ACT to amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to second or subsequent convictions for driving while under the influence of intoxicating liquor.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 39-08-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Upon conviction, any person violating any provision of this section shall be punished by a fine of not less than one hundred dollars nor more than two 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 conviction for a violation occurring within eighteen months of a previous violation resulting in a prior conviction, such person shall be punished by imprisonment in the county jail for not less than three days nor more than ninety days, and in the discretion of the court, a fine of not less than one hundred fifty dollars nor more than five hundred dollars. In the event the complaint does not include the allegation that if convicted, such conviction would be the second such conviction as provided in this section, the court may take judicial notice of such fact if indicated by the records of the state highway department or make such finding based on other evidence. Under no circumstances shall the punishment prescribed in this section be subject to suspension or a deferred imposition of sentence.

Approved March 29, 1971

CHAPTER 372

HOUSE BILL NO. 1291
(Moore)

RENDERING CARE AT
SCENE OF ACCIDENT

AN ACT to create and enact section 39-08-04.1 of the North Dakota Century Code, providing for immunity from liability for the good faith rendering of emergency care at the scene of an accident.

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

SECTION 1.) Section 39-08-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-08-04.1. EMERGENCY CARE AT SCENE OF ACCIDENT - LIABILITY.) Any person, except a physician acting pursuant to sections 43-17-37 and 43-17-38 of the North Dakota Century Code, who, in good faith, shall administer emergency care at or near the scene of an accident or disaster to the victims of the accident or disaster shall not be held liable for any damages resulting from the rendering of that care.

The provisions of this section shall not be construed to relieve the person rendering emergency care from liability for injury or death to the victim proximately resulting from the intoxication, willful misconduct, or gross negligence of the person rendering the care. Further, liability is not relieved if the emergency care was rendered for remuneration or with the expectation of remuneration.

Approved March 27, 1971

CHAPTER 373

HOUSE BILL NO. 1122
(Kingsbury, Berg)

REPORTING ACCIDENTS

AN ACT to amend and reenact section 39-08-09 of the North Dakota Century Code, relating to the extent of automobile damages required to be considered a reportable accident.

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

SECTION 1. AMENDMENT.) Section 39-08-09 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-09. IMMEDIATE NOTICE AND WRITTEN REPORT OF ACCIDENT.) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of two hundred dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the state highway patrol. Within five days after such accident, the driver shall also forward a written report of the accident to the highway commissioner.

The highway commissioner may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in sections 39-08-06 through 39-08-09 until such report has been filed, and the commissioner may extend such suspension not to exceed thirty days.

Approved March 12, 1971

CHAPTER 374

HOUSE BILL NO. 1478
(Giffey, Grant)

OPERATION AND EQUIPMENT OF VEHICLES

AN ACT to amend and reenact section 39-09-01, subsection 1 of section 39-10-11, and subsection 1 of section 39-21-36 of the North Dakota Century Code, relating to the care required in operating a vehicle, to the overtaking of a vehicle on the left, and to the equipment of horns and warning devices.

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

SECTION 1. AMENDMENT.) Section 39-09-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-01. CARE REQUIRED IN OPERATING VEHICLE.) Any person driving a vehicle upon a highway shall drive the same in a careful and prudent manner, having due regard to the traffic, surface and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person shall drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.

SECTION 2. AMENDMENT.) Subsection 1 of section 39-10-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. Whenever reasonably necessary for safe operation under the circumstances, the driver of an overtaking vehicle shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction; and

SECTION 3. AMENDMENT.) Subsection 1 of section 39-21-36 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. While being operated upon a highway, every motor vehicle shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. Whenever reasonably necessary for safe operation, the driver of a motor vehicle upon a highway shall give audible warning with his horn, but shall not otherwise use his horn while upon a highway.

Approved March 24, 1971

CHAPTER 375

HOUSE BILL NO. 1275

(Boyum)

OVERWEIGHT AND OVERSIZE VEHICLES

AN ACT to amend and reenact sections 39-12-02 and 39-12-06 of the North Dakota Century Code, relating to extended loads on motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-12-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-02. SPECIAL PERMITS FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT ISSUED - CONTENTS - FEES.) The commissioner 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 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 such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be opened to inspection by any peace officer. It shall be a violation of the provisions of this chapter for any person to violate any of the terms or conditions of such special permit. All permits for the movement of excessive size and weight on state highways shall be single trips only.

An appropriate charge shall be made for each permit and all funds collected hereunder by the state highway commissioner shall be deposited in the state highway fund and are hereby appropriated for use in the construction and maintenance of highways and operating expenses of the highway department. Official or publicly owned vehicles shall not be required to pay charges for permits.

SECTION 2. AMENDMENT.) Section 39-12-06 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-06. LIMITATIONS ON EXTENDING OF LOAD BEYOND SIDE OF MOTOR VEHICLE.) No motor vehicle carrying any load beyond the lines of the left fenders of such vehicle nor extending more than twelve inches beyond the line of the fenders on the right side of such vehicle shall be operated on the highways. The state highway department shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

Approved March 18, 1971

CHAPTER 376

SENATE BILL NO. 2176
(Melland, Berube, Nasset, Roen)

TRUCK AND TRAILER
LENGTH LIMITATION

AN ACT to amend and reenact subsection 6 of section 39-12-04 of the North Dakota Century Code, relating to width, height, and length limitations on vehicles - exceptions.

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

SECTION 1. AMENDMENT.) Subsection 6 of section 39-12-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. A tractor-truck and semitrailer may draw a trailer or semitrailer converted to a trailer by use of a dolly and fifth wheel, and a motor vehicle may draw no more than three motor vehicles attached thereto by a triple saddle mount method, that is by mounting the front wheels of the drawn vehicle upon the bed of the drawing vehicle. No more than two vehicles shall be used in any other combination, provided that the total length of such combination shall not exceed sixty-five feet.

Approved March 12, 1971

CHAPTER 377

SENATE BILL NO. 2218
(Van Horn, Redlin, Jacobson)

ABSTRACT OF DRIVER'S RECORD

AN ACT to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to the fee charged for furnishing an abstract of a driver's record or accident report, and providing that a copy of each abstract requested also be sent to the driver.

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

SECTION 1. AMENDMENT.) Section 39-16-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-03. ABSTRACTS - FEE - NOT ADMISSIBLE IN EVIDENCE.) The commissioner upon request shall furnish any person a certified abstract of the operating record or any accident report filed by a law enforcement or investigating officer of any person subject to the provisions of this chapter. The opinion of the law enforcement or investigating officer, if included in the report, however, shall be confidential and not open to public inspection. If there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. A fee of two dollars shall be paid for each such abstract of any operating record or copy of accident report and the commissioner shall send an additional copy of the abstract or accident report to the driver whose abstract or accident report was requested, accompanied by a statement identifying the person making the request, provided that no abstract or statement shall be sent to a driver where the request for his abstract 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.

Approved March 27, 1971

CHAPTER 378

HOUSE BILL NO. 1066
(Dick, Kingsbury, Welder, White)
(From Legislative Council Study)

SUSPENSION OF DRIVERS' LICENSES
OR OPERATING PRIVILEGES

AN ACT to amend and reenact section 39-16-05 and subsection 3 of section 39-16-07 of the North Dakota Century Code, relating to suspension of drivers' licenses after the negligence or responsibility of drivers involved in accidents has been determined, and providing for filing of evidence of nonliability or confession of judgment with the commissioner, and for suspension of license in case of default.

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

SECTION 1. AMENDMENT.) Section 39-16-05 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-05. SUSPENSION OF LICENSE AND 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 of each vehicle in any manner involved in such accident, and if such driver is a nonresident, the commissioner shall suspend the driver's privilege of operating a motor vehicle within this state unless such driver shall deposit security as provided in sections 39-16-09 and 39-16-10 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; provided notice of such suspension shall be sent by the commissioner to such driver not less than ten days prior to the effective date of such suspension and shall state the amount required as security. However, if a driver either resident or nonresident involved in such accident purchases a policy of insurance with at least the amount of coverage required by this section and files proof, and satisfies financial responsibility requirements thereof with the commissioner, that driver shall be allowed to retain his license or privilege until such time as the driver has accepted responsibility for the accident or agreed to a settlement of claims arising from the accident or until a court of this state has determined that the driver was negligent or responsible for the accident in whole

or in part. If the driver is found negligent or responsible for the accident, in whole or in part, his license or privilege shall be suspended and shall not be returned until the driver complies with the provisions of this chapter. This section shall not apply under the conditions stated in section 39-16-06 or:

1. To a driver, if he is the owner of the motor vehicle involved in the accident and 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 a 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 a driver if the liability of such driver 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 certificate of self-insurance under section 39-16-32.

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 the 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 ten thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than twenty 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 five 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, or

the department may rely upon the accuracy of the information and the required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

SECTION 2. AMENDMENT.) Subsection 3 of section 39-16-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Evidence satisfactory to the commissioner has been filed with him of a release from liability, or a final adjudication of nonliability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with subsection 3 of section 39-16-06; provided, in the event there shall be any default in the payment of any installment under any confession of judgment, then upon notice of such default, the commissioner shall forthwith suspend the license or nonresident's operating privilege of such persons defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the commissioner shall forthwith suspend the license or nonresident's operating privilege of such person defaulting which shall not be restored unless and until such person deposits and thereafter maintains security as required under section 39-16-05 in such amount as the commissioner may then determine, or one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

Approved March 16, 1971

CHAPTER 379

HOUSE BILL NO. 1065
(Dick, Kingsbury, Welder, White)
(From Legislative Council Study)

LIMITING RECOVERY FROM
UNSATISFIED JUDGMENT FUND

AN ACT to amend and reenact section 39-17-07 of the North Dakota Century Code, relating to the unsatisfied judgment fund.

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

SECTION 1. AMENDMENT.) Section 39-17-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-17-07. LIMITATION ON AMOUNT PAYABLE FROM FUND -
NONASSIGNABLE.)

1. Recovery from the fund shall be limited to payment of the following, exclusive of costs:
 - a. Ten thousand dollars for bodily injury, including death, of one person in any one accident.
 - b. Twenty thousand dollars for bodily injury, including death, of two or more persons in any one accident.
2. The amount authorized to be paid shall be within the limits provided by this section, and shall be determined as follows:
 - a. If the judgment creditor has effected collection of a portion of the judgment from any source, except as provided for in subdivision b of subsection 2 of this section, the fund is authorized to pay him the difference between the amount collected and the amount of the judgment, or ten thousand dollars, whichever is smaller. Provided, if the judgment creditor or creditors have collected an amount equal to the limits payable from the fund from the insurance or nonexempt assets of the judgment debtor, then they are precluded from recovery from the fund.
 - b. If the judgment creditor has effected collection of a portion of the judgment from an uninsured

motorist insurance policy or payment from the workmen's compensation bureau, then the amount collected from these sources shall be subtracted from the judgment before the procedure outlined in subdivision a of subsection 2 of this section is followed.

The right of any person to recover from the unsatisfied judgment fund shall not be assignable and subrogation of such right shall not be allowed.

Approved March 27, 1971

CHAPTER 380

HOUSE BILL NO. 1440
(Boustead, Boyum)

LICENSING MOBILE HOMES
AND BONDING OF DEALERS

AN ACT to amend and reenact sections 39-18-02 and 39-18-03 of the 1969 Supplement to the North Dakota Century Code, relating to mobile home dealers.

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

SECTION 1. AMENDMENT.) Section 39-18-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 2. AMENDMENT.) Section 39-18-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended

and reenacted to read as follows:

*39-18-03. TITLING AND LICENSING OF MOBILE HOMES, HOUSE TRAILERS AND TRAVEL TRAILERS - LICENSE FEE IN LIEU OF PERSONAL PROPERTY TAX.) Every person other than a dealer who acquires a travel trailer, house trailer or mobile home shall within thirty days thereafter apply to the motor vehicle registrar for an official certificate of title to such vehicle in the manner and subject to the conditions prescribed in chapter 39-05. Except when transported by a driveway transporter duly registered and licensed under the laws of this state, no person shall haul a mobile home, house trailer or travel trailer upon the highways of the state of North Dakota unless the same shall first be registered with and titled by the motor vehicle department, a certificate of title has been issued, and it displays a number plate issued by and under such regulations as the registrar of motor vehicles may prescribe. The annual fee for such licensing shall be ten dollars for mobile homes and house trailers, and in accordance with the following schedule for travel trailers as defined by section 57-55-01:

1. Where the length is less than twelve feet, five dollars.
2. Where the length is twelve feet or more but less than fifteen feet, ten dollars.
3. Where the length is fifteen feet or more but less than nineteen feet, twenty dollars.
4. Where the length is nineteen feet or more but less than twenty-four feet, thirty dollars.
5. Where the length is twenty-four feet or more but less than twenty-nine feet, forty dollars.

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

The annual license fee provided for in this section shall be in lieu of all personal property taxes upon such trailers but shall not preclude the taxation of certain mobile homes pursuant to chapter 57-55.

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

*NOTE: Section 39-18-03 was also amended by section 1 of Senate Bill No. 2458, chapter 381.

Approved March 27, 1971

CHAPTER 381

SENATE BILL NO. 2458
(Kautzmann)

LICENSING AND TITLING OF
MOBILE HOMES AND TRAVEL TRAILERS

AN ACT to amend and reenact section 39-18-03 of the North Dakota Century Code, relating to license fees for travel trailers, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 39-18-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 39-18-03. TITLING AND LICENSING OF MOBILE HOMES, HOUSE TRAILERS AND TRAVEL TRAILERS - LICENSE FEE.) Every person other than a dealer who acquires a travel trailer, house trailer or mobile home shall within ninety days thereafter apply to the motor vehicle registrar for an official certificate of title to such vehicle in the manner and subject to the conditions prescribed in chapter 39-05. Except when transported by a drive-away transporter duly registered and licensed under the laws of this state, no person shall haul a mobile home, house trailer or travel trailer upon the highways of the state of North Dakota unless the same shall first be registered with and titled by the motor vehicle department, a certificate of title has been issued, and it displays a number plate issued by and under such regulations as the registrar of motor vehicles may prescribe. The annual fee for such licensing shall be ten dollars for mobile homes and house trailers, and in accordance with the following schedule for travel trailers as defined by section 57-55-01:

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

*NOTE: Section 39-18-03 was also amended by section 2 of House Bill No. 1440, chapter 380.

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

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

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

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

Approved March 29, 1971

CHAPTER 382

SENATE BILL NO. 2088
(Lips, Morgan, Sanstead)
(From Legislative Council Study)

RECIPROCITY COMMISSION

AN ACT to create and enact subsection 12 of section 57-01-02 of the North Dakota Century Code; to amend and reenact sections 39-19-01 and 39-19-03 of the North Dakota Century Code; and to repeal section 39-19-02 of the North Dakota Century Code, relating to the reciprocity commission.

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

SECTION 1. AMENDMENT.) Section 39-19-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-19-01. HIGHWAY COMMISSIONER - RECIPROCITY POWERS.) The highway commissioner shall have the power to execute agreements, arrangements, or declarations involving the reciprocal use of the highways of this state by vehicles excepted in part or in full from registration requirements or mile tax payments in lieu thereof, or involving reciprocity between this state and any other state on matters relating to drivers' licensing, financial responsibility, traffic law enforcement, vehicle sizes and weights, and vehicle inspection.

SECTION 2. AMENDMENT.) Section 39-19-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-19-03. RECIPROCAL USE OF HIGHWAYS.) No person shall operate a vehicle upon the highways of this state unless the driver is licensed to operate a motor vehicle in this state or under a reciprocal agreement, arrangement, or declaration, has paid the mile tax in lieu of registration, or has complied with the requirements of a reciprocity agreement, arrangement, or declaration executed as provided in section 39-19-01.

SECTION 3.) Subsection 12 of section 57-01-02 of the 1969 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

12. Shall have the power to execute reciprocal agreements with the appropriate officials of any other state

under which he may waive all or any part of the requirements imposed by the laws or statutes of this state upon those who use or consume in the state of North Dakota, gasoline, other motor vehicle fuel or special fuel upon which the tax has been paid to such other state, provided that the officials of such other state grant the equivalent privileges with respect to gasoline, other motor vehicle fuel or special fuels used in such other state upon which the tax has been paid to the state of North Dakota.

SECTION 4. REPEAL.) Section 39-19-02 of the North Dakota Century Code is hereby repealed.

Approved February 19, 1971

CHAPTER 383

HOUSE BILL NO. 1550
(Atkinson, Peterson)

CHEMICAL SCREENING TEST
OF DRIVER'S BREATH

AN ACT to authorize the use of a chemical screening test or tests of a driver's breath when the vehicle he is driving is involved in a collision which results in the death or personal injury requiring hospitalization of any person; to authorize a test of blood for screening test under certain circumstances; to limit the use of the results of screening tests to determine justification for a further test under the provisions of section 39-20-01; and to authorize the revocation of driver's license for a refusal to submit to a screening test.

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

SECTION 1. CHEMICAL SCREENING TESTS.) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to submit to a chemical screening test or tests of his breath for the purpose of estimating the alcohol content of his blood if he is involved in any collision which results in death or personal injury requiring hospitalization, upon the request of a law enforcement officer who has reason to believe that such person was under the influence of intoxicating liquor at the time of the collision. A person shall not be required to submit to a chemical screening test or tests of his breath while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement, or objects to the test or tests on the ground that such would be prejudicial to the proper care or treatment of the patient. In such cases, a blood specimen will be taken from the patient for the purpose of a chemical screening test. The chemical screening test or tests shall be performed according to methods and with devices approved by the state toxicologist. The results of such chemical screening test shall be used only for determining that a chemical test shall be given under the provisions of section 39-20-01, and a result which shows the presence of alcohol shall be additional grounds for a demand that such test be submitted to by such driver. If such person refuses to submit to such chemical screening test or tests, none shall be given; but such refusal shall be sufficient cause to revoke such person's license or permit to drive in the same manner as provided in section 39-20-04;

and a hearing as provided in section 39-20-05 and a judicial review as provided in section 39-20-06 shall be available. No provisions of this section shall supersede any provisions of chapter 39-20, nor shall any provision of chapter 39-20 be construed to supersede this section except as provided herein.

Approved March 30, 1971

CHAPTER 384

SENATE BILL NO. 2403
(Page, Strinden)

REPORTING USED MOTOR
VEHICLE INVENTORIES

AN ACT to amend and reenact section 39-22-09 of the 1969 Supplement to the North Dakota Century Code, relating to the reporting of used motor vehicle inventories, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 39-22-09 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-09. DEALER TO FILE LIST OF USED MOTOR VEHICLES WITH REGISTRAR - FEES PAID ON USED CARS BY DEALER - DELINQUENCY - PENALTY.)

1. On or before February fifth of each year, a licensed dealer shall file with the registrar a list and a description of all used motor vehicles, except passenger vehicles, on hand on February first of each year. Such motor vehicles need not be licensed until July first unless they are sold before that date. Each used motor vehicle on hand must be licensed at the full annual fee before July second; if not licensed before July second, such license fee shall become delinquent on July second and a penalty, as provided for in section 39-04-16, shall be added to such license fee.
2. On or before May fifth of each year, a licensed dealer shall file with the registrar a list and a description of all used passenger vehicles on hand May first of each year. Such used passenger vehicles need not be licensed until October first unless they are sold before that date. Each used passenger vehicle on hand must be licensed at the full annual fee before October first; if not licensed before October first, such license fee shall become delinquent on October second and the penalty provisions of Section 39-04-16 shall apply.
3. Any used motor vehicle taken in by a dealer after February first, or after May first in the case of

used passenger vehicles, of any year, which carry the current year's number plates of another state, if sold within the state, shall be required to pay a registration fee for the remainder of the calendar year prorated on a monthly basis with one-twelfth of the annual registration fee to be paid for each calendar month or fraction thereof of the remaining part of the year; penny adjustments shall be carried to the next quarter dollar.

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

Approved March 18, 1971

CHAPTER 385

HOUSE BILL NO. 1514
(Giffey, Raymond, Boustead)

REGISTRATION AND REGULATION
OF SNOWMOBILES

AN ACT to amend and reenact sections 39-24-03 and 39-24-08, and subsections 3, 5, and 6 of section 39-24-09 of the North Dakota Century Code, relating to the regulation of snowmobiles.

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

SECTION 1. AMENDMENT.) Section 39-24-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-03. REGISTRATION - APPLICATION - ISSUANCE - FEES - RENEWAL.) Application for registration shall be made to the registrar in such form as the registrar shall prescribe and furnish, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. A copy of such application shall serve as evidence of registration for a period of not more than thirty days from the date of application. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number and a certificate of registration assigned. Such registration number shall be:

1. At least two inches in height and of a reflectorized material; and
2. Securely affixed on each side of the forward half of the snowmobile in such position as to provide clear legibility for identification. Such certificate of registration shall include information regarding the manufacturer, model, year, and serial number, if such information is available; the address of the owner; and the address of the former owner or the dealer, as the case may be.

The fee for registration of each snowmobile shall be four dollars for a registration period of two years beginning July first of each biennium. The fee for initial registration of each snowmobile registered on and after July first of the second year of the biennium shall also be four dollars. The fee for a duplicate or transfer registration shall be one dollar. In addition,

in each year that fees are collected for the unsatisfied judgment fund there shall be assessed a fee of one dollar per year for each snowmobile registered, which shall be placed in the unsatisfied judgment fund.

Every owner of a snowmobile shall renew his registration in such manner as the registrar shall prescribe, upon payment of the same registration fees provided in this section.

Upon application for registration as prescribed in this section, any snowmobile dealer as defined in section 39-24-01 shall be issued registration numbers distinctively marked as dealer's registration numbers upon payment of the appropriate fee as prescribed in this section. Such dealer's registration numbers shall be used only on snowmobiles owned by the dealership.

SECTION 2. AMENDMENT.) Section 39-24-08 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-08. RULES AND REGULATIONS.) Pursuant to this Code and this chapter, rules and regulations for the regulation and use of snowmobiles shall be adopted as follows:

1. The registrar shall promulgate rules and regulations for the registration of snowmobiles and display of registration numbers.
2. The highway commissioner shall promulgate rules and regulations for regulating the use of snowmobiles on highways under his jurisdiction.
3. The director of state parks shall promulgate rules and regulations for regulating use of snowmobiles in state parks and other state-owned land described in section 55-08-03.
4. The governing bodies of political subdivisions shall promulgate rules and regulations for regulating use of snowmobiles in recreation and other appropriate areas under their jurisdiction. The governing bodies of cities may, by ordinance, regulate, restrict, and prohibit the use of snowmobiles when operated within the exclusive jurisdiction of cities.

SECTION 3. AMENDMENT.) Subsections 3, 5, and 6 of section 39-24-09 of the 1969 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

3. No snowmobile shall be operated unless it is equipped with at least one head lamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the highway commissioner pursuant to the authority vested in him by this Code and this chapter.

5. It shall be unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted head lamp and tail lamp when required for safety.
 - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.
 - 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 shall appear on each sign in legible characters. The posted signs shall be readable from the outside of the land and shall be placed conspicuously at a distance of not more than eighty rods 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 fence or enclosure, shall be construed to be a posting of all such enclosed lands.
6. It shall be unlawful for any person to operate a snowmobile pursuant to chapter 39-24 of the North Dakota Century Code without having in his possession a valid driver's license or permit.

Approved March 29, 1971