

# MOTOR VEHICLES

## CHAPTER 326

SENATE BILL NO. 2147  
(Committee on Transportation)  
(At the request of the North Dakota Park Service)

### CLASS A EMERGENCY VEHICLES

AN ACT to create and enact a new paragraph to subdivision a of subsection 1 of section 39-01-01 of the North Dakota Century Code, relating to designation of park service vehicles as class A authorized emergency vehicles.

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

SECTION 1.) A new paragraph to subdivision a of subsection 1 of section 39-01-01 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Vehicles operated by or under the control of the director, assistant director, and park superintendents of the North Dakota park service.

Approved March 31, 1977

## CHAPTER 327

SENATE BILL NO. 2467  
(Barth)

## FARM TRAILER REGISTRATION

AN ACT to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, providing a definition for "farm trailer"; and to amend and reenact subsection 55 of section 39-01-01, subsection 1 of section 39-04-18, subsection 4 of section 39-04-19, section 39-04-26, and subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the definition of "semitrailer", motor vehicles exempt from registration fees, trailer identification plate fees for privately owned trailers, registration of vehicles transporting property, and to driver's license classifications.

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

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

"Farm trailer" shall include those trailers and semi-trailers towed by a bona fide resident farmer hauling his own agricultural, horticultural, dairy, and other farm products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand pounds.

SECTION 2. AMENDMENT.) Subsection 55 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55. "Semitrailer" shall include every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it shall not include a "house trailer" or "mobile home" as defined in subsection 68 of this section.

SECTION 3. AMENDMENT.) Subsection 1 of section 39-04-18 of the 1975 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, semi-trailers designed to be towed by a truck or truck tractor, and farm trailers 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 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 4. AMENDMENT.) Subsection 4 of section 39-04-19 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The fee for a trailer identification plate for all privately owned trailers, excluding farm trailers, shall be two dollars; for all trailers which are offered for lease or rent to the public, five dollars; and for all semitrailers designed to be towed by a truck tractor, ten dollars. The fee for registration of a farm trailer shall be:
  - a. Ten dollars for a farm trailer having one axle.
  - b. Twenty dollars for a farm trailer having two axles.
  - c. Thirty dollars for a farm trailer having three or more axles.

SECTION 5. AMENDMENT.) Section 39-04-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Subsection 1 of section 39-04-18 was also amended by section 1 of Senate Bill No. 2183, chapter 335.

39-04-26. REGISTRATION OF VEHICLES TRANSPORTING PROPERTY - BASED ON GROSS WEIGHT - MINIMUM GROSS WEIGHT - FARM EXEMPTION.) The registration and license fee for a motor vehicle or for any lawful combination of motor vehicles used for the transportation of property shall be based upon the gross weight of such motor vehicle or combination of vehicles. The minimum gross weight for which such motor vehicle or combination of motor vehicles can be licensed shall be double the unloaded weight of such motor vehicle or such combination of vehicles and, subject to such minimum, the owner of any motor vehicle or combination of vehicles in his application for license shall set out the gross weight for which he desires a license. A vehicle owned and operated by a bona fide resident farmer who uses such vehicle exclusively for transporting his own property between farms and the usual local trading places and is not for hire shall not be required to include the weight of any farm trailer being towed for registration purposes.

SECTION 6. AMENDMENT.) Subsection 3 of section 39-06-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 3. All applicants holding a valid North Dakota driver's license making application for a renewal of such license, shall be issued a class 3 license without being subjected to an examination as herein provided. All applicants, except those holding a valid North Dakota driver's license who will be issued a class 3 license, applying for issuance of driver licenses shall be issued a classified license after having been required to submit to an examination in the type of motor vehicle or combination of vehicles for which license is desired and which license shall authorize the holder to drive the vehicles set forth in such class as follows:

Class 1. Any vehicle or combination of vehicles except vehicles under class 4.

Class 2. Any vehicle or combination of vehicles except:

- a. Vehicles towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- b. Vehicles under class 4.

Class 3. Any two-axle or tandem-axle vehicle except:

- a. A truck tractor combination as defined in subsection 70 of section 39-01-01;
- b. A bus more than 80 inches in width and designed to carry more than ten persons and used for carrying passengers;

\*NOTE: Subsection 3 of section 39-06-14 was also amended by section 1 of House Bill No. 1563, chapter 346.

- c. A two-axle or tandem-axle vehicle or combination of vehicles when towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- d. Vehicles under class 4.

Provided, however, an operator with a class 3 license may operate a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds, and may operate a truck towing a farm trailer.

Class 4. Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator or passengers, or both, ride within an enclosed cab.

The holder of a class 1, 2, or 3 license may receive a class 4 endorsement upon successful completion of an examination. An applicant sixteen years of age and older, who does not hold a current valid driver's license may be issued a class 4 learner's permit after successful completion of a written examination. The class 4 license will be issued after the applicant has successfully completed a driver's examination.

Approved March 31, 1977

## CHAPTER 328

SENATE BILL NO. 2487  
(Tennefos)

## SCHOOL BUS REGISTRATION

AN ACT to amend and reenact subsection 54 of section 39-01-01 and subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to the definition of school bus and to the motor vehicle registration fee for buses used for religious or charitable purposes; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 54 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54. "School bus" shall mean any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or to or from school-related activities, or privately owned and operated for compensation for the transportation of children to or from school or to or from school-related activities;

SECTION 2. AMENDMENT.) Subsection 2 of section 39-04-19 of the 1975 Supplement to the North Dakota Century Code is 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 five dollars:
- a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

\*NOTE: Subsection 2 of section 39-04-19 was also amended by section 1 of Senate Bill No. 2240, chapter 336.

## YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th and Subsequent Years
1,999 or less	\$ 32.00	\$ 25.00	\$ 19.00	\$ 15.00
2,000 - 2,399	34.00	27.00	20.00	15.00
2,400 - 2,799	36.00	29.00	22.00	15.00
2,800 - 3,199	38.00	30.00	23.00	16.00
3,200 - 3,599	42.00	33.00	25.00	17.00
3,600 - 3,999	46.00	37.00	28.00	19.00
4,000 - 4,499	56.00	45.00	34.00	23.00
4,500 - 4,999	72.00	57.00	43.00	29.00
5,000 - 5,999	100.00	80.00	60.00	40.00
6,000 - 6,999	130.00	104.00	78.00	52.00
7,000 - 7,999	160.00	128.00	96.00	64.00
8,000 - 8,999	190.00	152.00	114.00	76.00
9,000 & over	220.00	176.00	132.00	88.00

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 twelve dollars for each passenger capacity in excess of seven. Motor passenger buses operating exclusively within the corporate limits of any city shall not be required to pay this fee.

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

## YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0 - 4,000	\$26.00	\$21.00	\$16.00	\$15.00
4,001 - 6,000	31.00	25.00	20.00	15.00
6,001 - 8,000	36.00	29.00	23.00	15.00
8,001 - 10,000	41.00	34.00	26.00	16.00
10,001 - 12,000	47.00	38.00	29.00	18.00
12,001 - 14,000	52.00	42.00	32.00	20.00
14,001 - 16,000	57.00	46.00	35.00	22.00
16,001 - 18,000	62.00	50.00	38.00	24.00
18,001 - 20,000	68.00	55.00	42.00	26.00
20,001 - 22,000	73.00	59.00	45.00	27.00
22,001 - 24,000	78.00	63.00	48.00	29.00

## YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
24,001 - 26,000	\$ 176.00	\$141.00	\$123.00
26,001 - 28,000	211.00	169.00	148.00
28,001 - 30,000	246.00	197.00	172.00
30,001 - 32,000	281.00	225.00	197.00
32,001 - 34,000	316.00	253.00	221.00
34,001 - 36,000	351.00	281.00	246.00
36,001 - 38,000	386.00	309.00	270.00
38,001 - 40,000	421.00	337.00	295.00
40,001 - 42,000	456.00	365.00	319.00
42,001 - 44,000	491.00	393.00	344.00
44,001 - 46,000	526.00	421.00	368.00
46,001 - 48,000	561.00	449.00	393.00
48,001 - 50,000	596.00	477.00	417.00
50,001 - 52,000	631.00	505.00	442.00
52,001 - 54,000	666.00	533.00	466.00
54,001 - 56,000	701.00	561.00	491.00
56,001 - 58,000	736.00	589.00	515.00
58,001 - 60,000	771.00	617.00	540.00
60,001 - 62,000	806.00	645.00	564.00
62,001 - 64,000	841.00	673.00	589.00
64,001 - 66,000	876.00	701.00	613.00
66,001 - 68,000	911.00	729.00	638.00
68,001 - 70,000	946.00	757.00	662.00
70,001 - 72,000	981.00	785.00	687.00
72,001 - 74,000	1,016.00	813.00	711.00
74,001 - 76,000	1,051.00	841.00	736.00
76,001 - 78,000	1,086.00	869.00	760.00
78,001 - 80,000	1,121.00	897.00	785.00
80,001 - 82,000	1,156.00	925.00	809.00

## c. Motorcycles:

- (1) Without side car, six dollars per motorcycle
- (2) With side car, ten dollars per unit

- d. A house car shall be subject to registration at the corresponding rate prescribed for trucks under subsection 2b, and the registrar shall issue distinctive plates for each house car registered.

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 April 20, 1977



## CHAPTER 329

HOUSE BILL NO. 1209  
(Committee on Transportation)  
(At the request of the Attorney General)

## STATE-OWNED VEHICLE IDENTIFICATION

AN ACT to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to department names being painted on the side of state-owned vehicles.

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

SECTION 1. AMENDMENT.) Section 39-01-02 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-02. 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, except the official vehicle for use by the governor, 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. The width of the lettering required by this section shall be proportionate to the required height and the color of such lettering shall be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce the provisions of this section. The state auditor, in the course of spot-checking or verifying the inventory of any department, institution, or industry, shall include in his report to the governor and the legislative assembly any instance of noncompliance with this section that shall come to his attention. The above requirements shall not apply to cars owned and operated by the attorney general's office, the bureau of criminal investigation, the cars used for drivers education at state institutions or by the department of public instruction, the state highway patrol, or cars used principally in 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 class B misdemeanor.

Approved March 31, 1977

## CHAPTER 330

SENATE BILL NO. 2439  
(Lashkowitz, Schirado)

## PARKING SPACES FOR THE HANDICAPPED

AN ACT to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking privileges for the physically handicapped; and to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to designating with blue paint the parking spaces reserved for the physically handicapped.

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

SECTION 1.) A new subsection to section 39-01-15 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Whenever any public or private agency or authority designates parking spaces for use by motor vehicles operated by physically handicapped persons, those reserved spaces shall be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, the space reserved shall also be indicated by signs or other suitable means.

SECTION 2. AMENDMENT.) Section 48-02-19 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-19. PUBLIC BUILDINGS AND FACILITIES TO BE USABLE BY PHYSICALLY HANDICAPPED - DUTIES OF CONSTRUCTION SUPERINTENDENT.) All public buildings and facilities constructed, in whole or in part, from funds of the state or of its political subdivisions shall be accessible to, and usable by, the physically handicapped in accordance with the provisions of this section by July 1, 1979. The state construction superintendent, after consultation with the state board of architecture, shall promulgate rules and regulations for agencies and institutions of the state and its political subdivisions to follow in making public buildings and facilities reasonably accessible and usable by the physically handicapped. The state construction superintendent, in preparing and promulgating such rules, shall give full consideration to the rules and regulations recommended in and provided by the American

standard specifications (All7.1-1961) approved October 31, 1961, by the American standards association, and future amendments thereto. Such rules and regulations promulgated by the state construction superintendent shall be issued in accordance with chapter 28-32. The state construction superintendent shall annually revise and update such rules and regulations. No state agency or institution shall construct a building or facility unless the state construction superintendent determines that the plans and specifications for such building or facility are in conformity with the standards provided in this section. Governing bodies of political subdivisions shall require a statement from the person or persons preparing the plans and specifications for the building or facility that such are in conformance with the provisions of this section or that exceptions to the section have been granted by the state construction superintendent. Any exceptions granted to a governing body shall be made a part of the motion or resolution of approval of the drawings and specifications by the governing body and shall be recorded in the minutes of the meeting where such approval is given. Adequate space for the physically handicapped to park automobiles near the facility without the necessity of crossing a street to reach such facility shall be provided. All parking spaces reserved for use by motor vehicles operated by or for physically handicapped persons shall be designated by blue paint on the curb or edge of the paved portion of the parking space. All city curbs and crosswalks at principal intersections in the vicinity of public buildings shall be made usable to persons in wheelchairs. In cases of practical difficulty, unnecessary hardship, or extreme differences, the state construction superintendent may grant exceptions within the limits of legislative appropriation, from the literal requirements of the standards provided by this section or permit the use of other methods or materials, or, in the case of existing multiple-story buildings, provide such access to only one floor.

Approved April 9, 1977

## CHAPTER 331

HOUSE BILL NO. 1343  
(Scofield, Powers)

## HIGHWAY PATROLMEN'S RETIREMENT

AN ACT to amend and reenact sections 39-03A-09, 39-03A-12, and 39-03A-14 of the North Dakota Century Code, relating to the North Dakota highway patrolmen's retirement system.

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

SECTION 1. AMENDMENT.) Section 39-03A-09 of the 1975 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 one hundred twelve 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 a 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 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 2. AMENDMENT.) Section 39-03A-12 of the 1975 Supplement to 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 and one-fourth percent of the average monthly salary, not to exceed one thousand two hundred fifty dollars, for the thirty-six 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 and one-half percent per month of his average salary, as determined above.

SECTION 3. AMENDMENT.) Section 39-03A-14 of the 1975 Supplement to 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 and one-fourth percent of the average monthly salary, not to exceed one thousand two hundred fifty dollars, for the last thirty-six months of service, times the total number of years served.

Approved March 17, 1977

## CHAPTER 332

SENATE BILL NO. 2221  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## RESTORATION OF SUSPENDED REGISTRATIONS

AN ACT to amend and reenact section 39-04-06 of the North Dakota Century Code, relating to the rescision of motor vehicle registration, and to provide for the restoration of suspended registrations.

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

SECTION 1. AMENDMENT.) Section 39-04-06 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-06. WHEN REGISTRATION RESCINDED OR SUSPENDED.) The department shall rescind or suspend the registration of a motor vehicle:

1. When the department shall determine that a vehicle is unsafe or unfit to be operated or is not equipped as required by law; or
2. Whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person or on a motor vehicle not entitled thereto; or
3. Whenever the reciprocity commissioner finds that a vehicle is registered in accordance with a reciprocity agreement, arrangement, or declaration and such vehicle is operated in violation of such agreement; or
4. When the department shall determine that a motor vehicle is not covered by security for payment of basic no-fault benefits and the liabilities covered under motor vehicle liability insurance as required by chapter 26-41.

Any registration suspended for any of the above reasons shall be restored upon compliance with the laws governing motor vehicle registration.

Whenever a check is returned to the department for want of payment the department shall rescind the registration of the motor vehicle covered by such check.

Any registration rescinded for want of payment of a check shall be restored upon payment of the registration fee and the additional sum of ten dollars for the cost of collection of the check.

Approved April 19, 1977

## CHAPTER 333

SENATE BILL NO. 2186  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## NUMBER PLATES FURNISHED TO OWNERS

AN ACT to amend and reenact section 39-04-08 of the North Dakota Century Code, relating to the number plates furnished by the motor vehicle department.

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

SECTION 1. AMENDMENT.) Section 39-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-08. NUMBER PLATES FURNISHED BY THE DEPARTMENT.) The department shall furnish to every motor vehicle owner two number plates for each registered motor vehicle, and one number plate for each registered motorcycle, trailer, or house trailer.

Approved March 12, 1977



## CHAPTER 334

SENATE BILL NO. 2225  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## NUMBER PLATES FOR RENTAL TRAILERS

AN ACT to amend and reenact section 39-04-12 of the North Dakota Century Code, relating to the contents of number plates, size of letters and numerals on plates; and to provide an exception to annual validation evidence for certain number plates.

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

SECTION 1. AMENDMENT.) Section 39-04-12 of the 1975 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 highway 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 plate shall be treated with a reflectORIZED material according to the specifications prescribed by the registrar. The registrar shall furnish such number plates for a period to be determined by the registrar, which period shall not be less than four years. 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 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, except as hereinafter provided.

A registration plate currently assigned to a motor vehicle may be transferred to a similar replacement motor vehicle at the owner's request, upon payment of the appropriate registration fees applicable to the replacement vehicle and a three-dollar transfer fee. A new registration plate shall be assigned to the motor vehicle being replaced.

The motor vehicle registrar may, in his discretion, provide special plates marked with initials, letters, or combinations 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 may be surrendered and upon application, a regular license plate shall be issued without additional cost or upon payment of the applicable registration fee, be transferred to the replacement motor vehicle.

The motor vehicle registrar may, in his discretion, provide to an owner of a fleet of ten or more trailers which are offered for lease and rented to the public, number plates which shall be for a period of not more than six consecutive years and which shall be exempt from the requirements of annual validation evidence. The registration fees for such trailers may be paid for the entire period for which the plates are issued, or the fees may be paid for the first year of the issue and a corporate surety bond in such sum as the registrar deems reasonable and adequate in the circumstances, conditioned that the owner will pay the annual fee at the beginning of each annual registration period.

Approved March 18, 1977

## CHAPTER 335

SENATE BILL NO. 2183  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## EXEMPTIONS FROM REGISTRATION FEES

AN ACT to amend and reenact subsection 1 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration fees.

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 1975 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 semitrailers designed to be towed by a truck tractor 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 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.

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.

\*NOTE: Subsection 1 of section 39-04-18 was also amended by section 3 of Senate Bill No. 2467, chapter 327.

Approved March 12, 1977

## CHAPTER 336

SENATE BILL NO. 2240  
 (Committee on Transportation)  
 (At the request of the Highway Department)

## MOTOR VEHICLE REGISTRATION FEES

AN ACT to amend and reenact subsections 2 and 5 of section 39-04-19 of the North Dakota Century Code, relating to registration fees of motor vehicles.

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

SECTION 1. AMENDMENT.) Subsections 2 and 5 of section 39-04-19 of the 1975 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 five dollars:

- a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

## YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th and Subsequent Years
1,999 or less	\$32.00	\$25.00	\$19.00	\$15.00
2,000-2,399	34.00	27.00	20.00	15.00
2,400-2,799	36.00	29.00	22.00	15.00
2,800-3,199	38.00	30.00	23.00	16.00
3,200-3,599	42.00	33.00	25.00	17.00
3,600-3,999	46.00	37.00	28.00	19.00
4,000-4,499	56.00	45.00	34.00	23.00
4,500-4,999	72.00	57.00	43.00	29.00
5,000-5,999	100.00	80.00	60.00	40.00
6,000-6,999	130.00	104.00	78.00	52.00
7,000-7,999	160.00	128.00	96.00	64.00
8,000-8,999	190.00	152.00	114.00	76.00
9,000 and over	220.00	176.00	132.00	88.00

\*NOTE: Subsection 2 of section 39-04-19 was also amended by section 2 of Senate Bill No. 2487, chapter 328.

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 twelve dollars for each passenger capacity in excess of seven. Motor passenger buses operating exclusively within the corporate limits of any 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:

## YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0- 4,000	\$26.00	\$21.00	\$16.00	\$15.00
4,001- 6,000	31.00	25.00	20.00	15.00
6,001- 8,000	36.00	29.00	23.00	15.00
8,001-10,000	41.00	34.00	26.00	16.00
10,001-12,000	47.00	38.00	29.00	18.00
12,001-14,000	52.00	42.00	32.00	20.00
14,001-16,000	57.00	46.00	35.00	22.00
16,001-18,000	62.00	50.00	38.00	24.00
18,001-20,000	68.00	55.00	42.00	26.00
20,001-22,000	73.00	59.00	45.00	27.00
22,001-24,000	78.00	63.00	48.00	29.00

## YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
24,001-26,000	\$176.00	\$141.00	\$123.00
26,001-28,000	211.00	169.00	148.00
28,001-30,000	246.00	197.00	172.00
30,001-32,000	281.00	225.00	197.00
32,001-34,000	316.00	253.00	221.00
34,001-36,000	351.00	281.00	246.00
36,001-38,000	386.00	309.00	270.00
38,001-40,000	421.00	337.00	295.00
40,001-42,000	456.00	365.00	319.00
42,001-44,000	491.00	393.00	344.00
44,001-46,000	526.00	421.00	368.00
46,001-48,000	561.00	449.00	393.00
48,001-50,000	596.00	477.00	417.00

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
50,001-52,000	\$631.00	\$505.00	\$442.00
52,001-54,000	666.00	533.00	466.00
54,001-56,000	701.00	561.00	491.00
56,001-58,000	736.00	589.00	515.00
58,001-60,000	771.00	617.00	540.00
60,001-62,000	806.00	645.00	564.00
62,001-64,000	841.00	673.00	589.00
64,001-66,000	876.00	701.00	613.00
66,001-68,000	911.00	729.00	638.00
68,001-70,000	946.00	757.00	662.00
70,001-72,000	981.00	785.00	687.00
72,001-74,000	1,016.00	813.00	711.00
74,001-76,000	1,051.00	841.00	736.00
76,001-78,000	1,086.00	869.00	760.00
78,001-80,000	1,121.00	897.00	785.00
80,001-82,000	1,156.00	925.00	809.00

c. Motorcycles:

- (1) Without side car, six dollars per motorcycle
- (2) With side car, ten dollars per unit

d. A house car shall be subject to registration at the corresponding rate prescribed for trucks under subsection 2b, and the registrar shall issue distinctive plates for each house car registered.

5. Trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 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 82,000 pounds owned, or leased for a minimum period of one year 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. The registrar shall design a distinctive number plate for such vehicles, commencing with the next plate issue. Until the next plate issue, the registrar shall issue distinctive yearly renewal stickers.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Years Subsequent
24,001-26,000	\$ 86.00	\$ 69.00	\$ 52.00	\$ 31.00
26,001-28,000	96.00	77.00	58.00	35.00
28,001-30,000	106.00	85.00	64.00	39.00
30,001-32,000	116.00	93.00	70.00	43.00
32,001-34,000	126.00	101.00	76.00	47.00
34,001-36,000	136.00	109.00	82.00	51.00
36,001-38,000	146.00	117.00	88.00	55.00
38,001-40,000	156.00	125.00	94.00	59.00
40,001-42,000	166.00	133.00	100.00	63.00
42,001-44,000	176.00	141.00	106.00	67.00
44,001-46,000	186.00	149.00	112.00	71.00
46,001-48,000	196.00	157.00	118.00	75.00
48,001-50,000	206.00	165.00	124.00	79.00
50,001-52,000	216.00	173.00	130.00	83.00
52,001-54,000	226.00	181.00	136.00	87.00
54,001-56,000	236.00	189.00	142.00	91.00
56,001-58,000	246.00	197.00	148.00	95.00
58,001-60,000	256.00	205.00	154.00	99.00
60,001-62,000	266.00	213.00	160.00	103.00
62,001-64,000	276.00	221.00	166.00	107.00
64,001-66,000	286.00	229.00	172.00	111.00
66,001-68,000	296.00	237.00	178.00	115.00
68,001-70,000	306.00	245.00	184.00	119.00
70,001-72,000	316.00	253.00	190.00	123.00
72,001-74,000	326.00	261.00	196.00	127.00
74,001-76,000	336.00	269.00	202.00	131.00
76,001-78,000	346.00	277.00	208.00	135.00
78,001-80,000	356.00	285.00	214.00	139.00
80,001-82,000	366.00	293.00	220.00	143.00

Approved April 9, 1977

## CHAPTER 337

HOUSE BILL NO. 1254  
(Mertens)

## REGISTRATION OF FARM VEHICLES

AN ACT to create and enact a new subsection to section 39-04-19 of the North Dakota Century Code, relating to the use of farm vehicles for custom combine operations.

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

SECTION 1.) A new subsection to section 39-04-19 of the North Dakota Century Code is hereby created and enacted to read as follows:

A motor vehicle registered in subsection 5 may be utilized in custom combining operations from July fifteenth through November fifteenth of any one year upon displaying the identification issued by the motor vehicle registrar for such use and the payment of the registration fee as prescribed by subdivision 2b of this section for the period set forth herein.

Approved March 23, 1977



## CHAPTER 338

SENATE BILL NO. 2180  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## TRANSFER OF REGISTRATION

AN ACT to amend and reenact section 39-04-36 of the North Dakota Century Code, relating to an exception to the transfer of registration and number plates upon transferring or assigning title to a motor vehicle.

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

SECTION 1. AMENDMENT.) Section 39-04-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-36. TRANSFER OF REGISTRATION AND NUMBER PLATES UPON TRANSFERRING OR ASSIGNING TITLE - EXCEPTION.) Whenever the owner of a vehicle registered under the provisions of this chapter transfers or assigns his title thereto or interest therein, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as provided in this chapter. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year except that the owner of a vehicle registered for a gross weight in excess of thirty-six thousand pounds may transfer registration and number plates from one truck to a replacement truck by compliance with procedures established by the registrar. The truck from which such registration and number plates are transferred shall not be operated upon the highways of this state until properly licensed therefor under the provisions of this chapter.

Approved March 12, 1977

## CHAPTER 339

SENATE BILL NO. 2181  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## REPEAL OF DELINQUENT FEE PENALTY

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

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

SECTION 1. REPEAL.) Section 39-04A-05 of the North Dakota Century Code is hereby repealed.

Approved March 12, 1977

## CHAPTER 340

SENATE BILL NO. 2210  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

### REPEAL OF TITLE APPLICATION VERIFICATION

AN ACT to repeal section 39-05-06 of the North Dakota Century Code, relating to verification of applications for certificate of title.

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

SECTION 1. REPEAL.) Section 39-05-06 of the North Dakota Century Code is hereby repealed.

Approved March 23, 1977

## CHAPTER 341

SENATE BILL NO. 2185  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## TITLE TRANSFER

AN ACT to amend and reenact section 39-05-17 of the North Dakota Century Code, relating to transfer of title of vehicles.

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

SECTION 1. AMENDMENT.) Section 39-05-17 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-17. 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 as to whether there are liens or encumbrances thereon, which statement shall be verified under oath by the owner. The owner shall deliver the certificate of title to the purchaser if title passes to the purchaser. If the legal title does not pass to the purchaser under the terms of the contract for sale of the vehicle, the legal title owner shall endorse thereon a statement that he holds the 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 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. The purchaser or transferee shall present the endorsed and assigned certificate to the department, within thirty days after the receipt thereof, accompanied by a transfer fee of three dollars, 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 an infraction.

Approved March 31, 1977

## CHAPTER 342

SENATE BILL NO. 2295  
(Orange, Sandness)

## PHOTO IDENTIFICATION CARDS

AN ACT to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to the issuance of photo identification cards for nondrivers by the highway commissioner; to repeal section 14-10-16 and chapter 14-16 of the North Dakota Century Code, relating to the issuance of identification cards by the clerk of the district court; and to provide a penalty.

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

SECTION 1.) A new section to chapter 39-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

NONDRIVER PHOTO IDENTIFICATION CARD ISSUED BY HIGHWAY COMMISSIONER - RELEASE OF INFORMATION - PENALTY - PUBLIC AWARENESS.)

1. The highway commissioner shall issue upon request a non-driver color photo identification card to any person, of the age of eighteen years or over, fulfilling the requirements of this section.
2. The name and date of birth on all original applications must be verified by a birth certificate or other satisfactory evidence. Applicants must produce documents which will be acceptable as listed below:
  - a. Birth certificate.
  - b. Any other documentary evidence which confirms to the satisfaction of the examining officer the true identity and date of birth of the applicant.
3. The fee shall be three dollars. Fees collected pursuant to this section shall be paid monthly into the highway fund in the state treasury.
4. Any information obtained by the commissioner from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter, may only be released in accordance with the provisions of section 39-16-03.

5. Any misrepresentation of age or other deceit practiced in the procurement of the card provided for by this section, or use or exhibition for the purpose of misleading any other person as to the age or identity of the user, or use of the card of another, or the lending or alteration of the card is a class B misdemeanor. It shall be a class B misdemeanor for any person, except the commissioner, or his authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section. It shall be a class B misdemeanor to display a card issued under this section which has been altered in any manner so as to not truly indicate the bearer's name and date of birth.
6. The commissioner is hereby authorized to utilize whatever advertising he deems necessary to make the public aware of the card and its use.
7. Identification cards issued pursuant to this section shall be sufficient identification whenever identification is required.
8. The commissioner shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the commissioner, or has committed fraud in making such application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder must surrender such card to the commissioner. When a cancellation is in effect, any law enforcement officer may take custody of such card.
9. A duplicate card may be obtained by making an application and paying a three-dollar fee.

SECTION 2. REPEAL.) Section 14-10-16 and chapter 14-16 of the 1975 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 31, 1977

## CHAPTER 343

SENATE BILL NO. 2478  
(Redlin)

### MOTORCYCLE OPERATION WITH INSTRUCTION PERMIT

AN ACT to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to the hours of operation of a motorcycle by persons holding only an instruction permit.

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

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

39-06-04. INSTRUCTION PERMIT.) Any person may apply to the commissioner for an instruction permit. The commissioner may in his discretion issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed operator who holds a license corresponding to the vehicle he operates and has had at least one year of driving experience and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to section 39-21-01, and shall not carry or transport any passenger. Any such instruction permit may be renewed or a new permit issued for an additional period.

Approved March 31, 1977

## CHAPTER 344

HOUSE BILL NO. 1457  
(Olson, Lee, Swiontek, Walsh, Reed)

## ANATOMICAL DONOR DESIGNATION ON OPERATOR'S LICENSE

AN ACT to amend and reenact subsection 2 of section 39-06-07 and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to identification as a donor pursuant to the Uniform Anatomical Gift Act on motor vehicle operator's applications and licenses.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 39-06-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether an application has ever been refused, suspended, canceled, or revoked and, if so, the date of and reason for such suspension, cancellation, revocation, or refusal. The application shall also provide for the voluntary identification of the applicant as a donor under the provisions of the Uniform Anatomical Gift Act, chapter 23-06.1. The application shall contain such other information as the commissioner may require.

SECTION 2. AMENDMENT.) Subsection 1 of section 39-06-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner shall, upon payment of an eight-dollar fee, issue to every applicant qualifying therefor an operator's license as applied for in the form prescribed by the commissioner. The license shall bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee



or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. If requested on the license application, the license issued by the commissioner shall identify the licensee as a donor under the provisions of the Uniform Anatomical Gift Act, chapter 23-06.1. No license shall be valid until it has been so signed by the licensee. For purposes of verification, an officer may require the licensee to write his signature in the presence of such officer. The commissioner shall have the authority to promulgate rules and regulations, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses.

Approved March 23, 1977

## CHAPTER 345

HOUSE BILL NO. 1157  
(Committee on Transportation)  
(At the request of the Highway Patrol)

## OPERATOR'S LICENSE EXAMINATION

AN ACT to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to examination of applicants; to repeal subsection 2 of section 39-06-14 of the North Dakota Century Code, relating to licenses issued to operators.

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

SECTION 1. AMENDMENT.) Section 39-06-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-13. EXAMINATION OF APPLICANTS.) The highway patrol shall examine every applicant for an operator's license, except as otherwise provided in this chapter. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state. An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall also be required, but may be waived for those applicants who have successfully passed such a test in some other state, province, or territory. The highway patrol shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant within not more than thirty days from the date the application is received. The commissioner may require such other physical or mental examination as may be deemed advisable.

SECTION 2. REPEAL.) Subsection 2 of section 39-06-14 of the North Dakota Century Code is hereby repealed.

Approved March 11, 1977

## CHAPTER 346

HOUSE BILL NO. 1563  
(Mertens)

## MOTORCYCLE LEARNER'S PERMIT

AN ACT to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the application by persons fourteen to sixteen for a motorcycle learner's permit and operator's license.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 39-06-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 3. All applicants holding a valid North Dakota driver's license making application for a renewal of such license, shall be issued a class 3 license without being subjected to an examination as herein provided. All applicants, except those holding a valid North Dakota driver's license who will be issued a class 3 license, applying for issuance of driver licenses shall be issued a classified license after having been required to submit to an examination in the type of motor vehicle or combination of vehicles for which license is desired and which license shall authorize the holder to drive the vehicles set forth in such class as follows:

Class 1. Any vehicle or combination of vehicles except vehicles under class 4.

Class 2. Any vehicle or combination of vehicles except:

- a. Vehicles towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- b. Vehicles under class 4.

Class 3. Any two-axle or tandem-axle vehicle except:

- a. A truck tractor combination as defined in subsection 70 of section 39-01-01;
- b. A bus more than 80 inches in width and

\*NOTE: Subsection 3 of section 39-06-14 was also amended by section 6 of Senate Bill No. 2467, chapter 327.

designed to carry more than ten persons and used for carrying passengers;

- c. A two-axle or tandem-axle vehicle or combination of vehicles when towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- d. Vehicles under class 4.

Provided, however, an operator with a class 3 license may operate a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds, and may operate a truck towing a farm trailer.

Class 4. Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator or passengers, or both, ride within an enclosed cab.

The holder of a class 1, 2, or 3 license may receive a class 4 endorsement upon successful completion of an examination. An applicant sixteen years of age and older, who does not hold a current valid driver's license may be issued a class 4 learner's permit after successful completion of a written examination. The class 4 license will be issued after the applicant has successfully completed a driver's examination.

Applicants of the age of fourteen or fifteen years may receive a class 4 learner's permit to operate a motorcycle with an engine displacement of two hundred cubic centimeters or less only after successful completion of a written examination as required by the commissioner. A class 4 license or endorsement shall be issued to a fourteen or fifteen-year-old applicant only after he has successfully completed a driving examination, and has produced evidence satisfactory to the commissioner of either of the following:

- a. Satisfactory completion of a motorcycle course which included at least six hours of classroom instruction and six hours of actual motorcycle operation.
- b. Successful completion of a motorcycle course at an approved commercial driver training school which included at least six hours of classroom instruction and six hours of actual motorcycle operation.

Approved April 20, 1977

## CHAPTER 347

SENATE BILL NO. 2149  
(Committee on Transportation)  
(At the request of the Highway Department)

## DRIVING RECORDS

AN ACT to create and enact a new subsection to section 39-06-21 of the North Dakota Century Code, relating to the retention of driver's license records; to amend and reenact sections 39-06-22, 39-06-33, and 39-06-36, and subsection 3 of section 39-06.1-13 of the North Dakota Century Code, relating to the retention of court records and accident reports, suspension of driver licenses and hearings thereon, the restoration of revoked driver licenses, and the reduction of the point total on driver records.

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

SECTION 1.) A new subsection to section 39-06-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

Two years after date of receipt of application, suspension, or revocation action, the commissioner may destroy such records provided the required information has been transferred to microfilm.

SECTION 2. AMENDMENT.) Section 39-06-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-22. DRIVING RECORDS OF LICENSEES.) The commissioner shall also file all accident reports and abstracts of court records of convictions received by him under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the commissioner upon any application for renewal of license and at other suitable times. Such accident reports may be destroyed after six years and abstracts of court records may be destroyed after four years, provided the required information has been transferred to microfilm.

SECTION 3. AMENDMENT.) Section 39-06-33 of the North Dakota

Century Code is hereby amended and reenacted to read as follows:

39-06-33. HEARINGS PRIOR TO SUSPENSION.) In matters of driver's license suspension arising under the provisions of section 39-06-32, the highway commissioner shall first give notice of intention to suspend to the licensee. The licensee shall have ten days from the date of receipt of such notice to request, in writing, a hearing upon the intended suspension.

Any hearing conducted under this section shall be before the highway commissioner or his authorized agent and shall be heard within thirty days of the receipt of the request for hearing and in the county of the licensee's residence, however, the parties may agree to a different time and place for the hearing. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant evidenciary matter.

Within twenty days of the completion of the hearing, the commissioner or his authorized agent shall issue a written order evincing the determination made. In the event a suspension is ordered, a reexamination of the licensee may be required.

SECTION 4. AMENDMENT.) Section 39-06-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-36. RESTORATION OF REVOKED LICENSES.) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the revocation period such person may make application for a new license as provided by law, but the commissioner shall not then issue a new license unless and until he is satisfied after investigation of the individual's driving records, driving habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

SECTION 5. AMENDMENT.) Subsection 3 of section 39-06.1-13 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The point total shown on a licensee's driving record shall be reduced by seven points for successful completion of an alcoholism or narcotics treatment program approved by the state department of health. No reduction of points shall be made under this subsection, unless the licensee's driving record included, at the time of suspension, points assigned for violation of section 39-08-01, or an equivalent ordinance. The provisions of this subsection shall not have application prior to the termination of the suspension period imposed on the driver.

## CHAPTER 348

SENATE BILL NO. 2148  
(Committee on Transportation)  
(At the request of the Highway Department)

## LICENSE SUSPENSION AND ISSUANCE

AN ACT to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to suspensions of licenses in another state, and to repeal subsection 9 of section 39-06-03 of the North Dakota Century Code, relating to what persons shall not be licensed.

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

SECTION 1. AMENDMENT.) Section 39-06-27 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-27. SUSPENDING LICENSES UPON CONVICTION, SUSPENSION, OR REVOCATION IN ANOTHER STATE.) The commissioner may suspend or revoke the license of any resident of this state or the privilege of a non-resident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator. This section shall not be construed as authorizing the assessment of points against a resident driver's record in accordance with chapter 39-06.1, except upon conviction of a resident driver for a criminal offense in another state which is equivalent to one of those offenses defined in section 39-06.1-05. No suspension or revocation shall be imposed for convictions for driving under suspension or revocation in another state if a valid North Dakota license or permit was in effect at the time of the violation.

Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked in any other state pursuant to a law providing for the suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the commissioner to suspend a nonresident's operating privileges had the accident occurred in this state, the commissioner shall suspend the license of such resident if he was the driver of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence satisfactory to the commissioner of his compliance with the laws of such other state relating to the deposit of security or payment of a judgment arising

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out of a motor vehicle accident, to the extent that such compliance would be required if the accident had occurred in this state.

SECTION 2. REPEAL.) Subsection 9 of section 39-06-03 of the North Dakota Century Code is hereby repealed.

Approved April 19, 1977



## CHAPTER 349

HOUSE BILL NO. 1357  
(Kloubec)

## LICENSE SUSPENSION AUTHORITY

AN ACT to amend and reenact section 39-06-32 of the North Dakota Century Code, relating to the power of the highway commissioner to suspend a driver's license for failing to appear in court after signing a promise to do so and for failing to pay a fine or serve a sentence ordered by a court.

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

SECTION 1. AMENDMENT.) Section 39-06-32 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-32. AUTHORITY TO SUSPEND LICENSES.) The commissioner may suspend the license of an operator, after hearing, upon proof by a fair preponderance of the evidence, that any of the following apply to the licensee:

1. Commission of an offense for which mandatory revocation of license is required upon conviction.
2. Incompetence to drive a motor vehicle.
3. Unlawful or fraudulent use of his license.
4. Commission of an offense in another state which if committed in this state would be grounds for revocation.
5. Failure, as shown by the certificate of the court, to pay a fine or serve any other sentence as ordered by a court upon conviction for any criminal traffic offense.
6. Failure, as shown by the certificate of the court, to appear in court or post and forfeit bond after signing a promise to appear, in violation of section 39-06.1-04, or willful violation of a written promise to appear in court, in violation of section 39-07-08.

## CHAPTER 350

SENATE BILL NO. 2285  
(Thane, Morgan, Hanson)

## IMPOUNDMENT OF NUMBER PLATES FOR DRIVING WHILE INTOXICATED

AN ACT to amend and reenact section 39-06-42 and subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to the impoundment of motor vehicle number plates instead of motor vehicles as an additional penalty for driving while under the influence of intoxicating liquor or driving while a driver's license has been suspended or revoked; and to provide a penalty.

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

SECTION 1. AMENDMENT.) Section 39-06-42 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-42. PENALTY FOR DRIVING WHILE LICENSE SUSPENDED OR REVOKED - IMPOUNDMENT OF VEHICLE - AUTHORITY OF CITIES.)

1. Except as provided in chapters 39-16 and 39-16.1, and in section 39-06.1-11, any person who drives a motor vehicle on any public highway of this state at a time when his license or privilege so to do is suspended or revoked shall be guilty of a class B misdemeanor. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff for the duration of the period of suspension or revocation, as the case may be, of the offender's driving license or privilege. The impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the motor vehicle registrar.
2. A city may, by ordinance, authorize its municipal judge to order impoundment of motor vehicle number plates in the manner provided in subsection 1 of this section.

SECTION 2. AMENDMENT.) Subsection 4 of section 39-08-01 of the 1975 Supplement to the North Dakota Century Code is hereby

amended and reenacted to read as follows:

4. Upon conviction, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or the chief law enforcement officer of the city, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority. The impounded motor vehicle number plates may be released, upon the order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title issued by the motor vehicle registrar.

Approved March 31, 1977

## CHAPTER 351

HOUSE BILL NO. 1484  
(Meiers, Eagles)

## NOTIFICATION OF JUVENILE TRAFFIC OFFENSE

AN ACT to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to the notification of parents or guardians of juvenile traffic offenders.

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

SECTION 1.) A new section to chapter 39-06.1 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

NOTIFICATION OF PARENTS OR GUARDIANS OF JUVENILE TRAFFIC OFFENDERS.) The clerk of court shall notify the parent or guardian of any juvenile appearing before the court on a traffic offense of the charge as contained in the citation, the penalty attached to the offense, and the time and place of any court hearing on the matter.

Approved April 6, 1977

## CHAPTER 352

HOUSE BILL NO. 1141  
(Meiers, Olson)

## TRAFFIC OFFENSE ADMINISTRATIVE HEARING

An Act to amend and reenact section 39-06.1-03 of the North Dakota Century Code, relating to administrative hearings for traffic offenses.

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

SECTION 1. AMENDMENT.) Section 39-06.1-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-03. ADMINISTRATIVE HEARING - PROCEDURES - APPEALS - STAY ORDERS.)

1. If a person cited for a traffic violation, other than an offense listed in section 39-06.1-05, does not choose to follow one of the procedures set forth in section 39-06.1-02, he may request a hearing on the issue of his commission of the violation charged, such hearing to be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance.
2. If the official finds that the person had committed the traffic violation, he shall notify the licensing authority of that fact, and whether the person was driving more than nine miles per hour in excess of the lawful limit, stating specifically the miles per hour in excess of the lawful limit, if charged with a speeding violation, within ten days of the date of the hearing. The fact that a person has admitted a violation, or has, in any proceeding, been found to have committed a violation; shall not be referred to in any way, nor be admissible as evidence in any court, civil, equity, or criminal, except in an action or proceeding involving that person's driving license or privilege.
3. a. If a person is aggrieved by a finding that he committed the violation, he may, without payment of a filing fee, appeal that finding to the district court for trial anew, and the case may be tried to a

jury, if requested. If, after trial in the district court, the person is again found to have committed the violation, there shall be no further appeal. Notice of appeal under this subsection shall be given within thirty days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that he adjudges that a violation has been committed. Otherwise, notice of appeal shall be in writing and filed with the official, and a copy of the notice shall be served upon the city attorney or state's attorney, as the case may be. An appeal taken under this subsection shall not operate to stay the reporting requirement of subsection 3 of this section, nor to stay appropriate action by the licensing authority upon receipt of that report.

- b. The district court, upon application by the appellant, may:
- (1) Order a stay of any action by the licensing authority during pendency of the appeal, but not to exceed a period of one hundred twenty days;
  - (2) Order a stay and that the appellant be issued a temporary restricted driving certificate by the licensing authority to be effective for no more than one hundred twenty days; or
  - (3) Deny the application.

An application for a stay or temporary certificate under this subdivision shall be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the licensing authority may charge a fee of two dollars. Any order granting a stay or a temporary certificate shall be forwarded forthwith by the clerk of court to the licensing authority, which shall issue a temporary certificate in accordance with the order in the manner provided by law. A court shall not make a determination on an application under this subdivision without notice to the appropriate prosecuting attorney. A person who violates or exceeds the restrictions contained in any temporary restricted driving certificate issued pursuant to this subdivision shall be guilty of a traffic violation and shall be assessed a fee of twenty dollars.

- c. If the person charged is found not to have committed the violation by the district court or the jury, the clerk of court shall report that fact to the

- licensing authority immediately. If an appeal under this subsection is from a violation of a city ordinance, the city attorney for the city wherein the alleged violation occurred shall prosecute the appeal. In all other cases, the appropriate state's attorney shall prosecute the appeal.
4. The state or the city, as the case may be, must prove the commission of a charged violation at the hearing or appeal under this section by a fair preponderance of the evidence. Upon an appeal under subsection 4, the court and parties shall follow, to the extent applicable, the North Dakota Rules of Civil Procedure. If on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.
  5. As used in sections 39-06.1-02, 39-06.1-03, and 39-06.1-04, the word "official" means a district judge, a judge of a county court with increased jurisdiction, a county justice, a municipal judge, or, when provided by statute, a person appointed by a district judge to serve as such official for all or a specified part of a judicial district.

Approved March 17, 1977

## CHAPTER 353

SENATE BILL NO. 2355  
(Thane)

## EXHIBITION DRIVING POINT REDUCTION

AN ACT to amend and reenact paragraph 15 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the driver's license point penalty assigned for exhibition driving.

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

SECTION 1. AMENDMENT.) Paragraph 15 of subdivision a of subsection 3 of section 39-06.1-10 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- |      |  |          |
|------|--|----------|
| (15) | Exhibition driving in violation<br>of section 39-08-03.1, or equivalent<br>ordinance | 3 points |
|------|--|----------|

Approved March 31, 1977



## CHAPTER 354

HOUSE BILL NO. 1482  
(Kretschmar, Vander Vorst)

## DRIVING WITHOUT A LICENSE DECRIMINALIZED

AN ACT to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 and a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the assignment of points against the driving record of unlicensed operators; to amend and reenact subsection 1 of section 39-06-01 of the North Dakota Century Code, relating to decriminalizing the offense of driving without a license; to repeal subsection 9 of section 39-06.1-05 of the North Dakota Century Code, relating to excepting the offense of driving without a license from the noncriminal disposition of traffic offenses; and to provide a penalty.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 39-06-01 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator under the provisions of this chapter. No person shall receive an operator's license unless and until he surrenders to the commissioner all valid operator's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the commissioner to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid operator's license at any time.

SECTION 2.) A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Operating a motor vehicle without 4 points  
a license in violation of  
section 39-06-01, or

equivalent ordinance.

SECTION 3.) A new subsection to section 39-06.1-10 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Points assigned pursuant to this section shall be recorded against an operator's driving record regardless of whether he has ever had an operator's license issued in this state, and the licensing authority shall maintain records on all violators regardless of whether they are licensed. Upon the assignment of twelve or more points, any unlicensed operator shall be deemed to be driving under suspension if he has never had an operator's license or if he has failed to renew his license.

SECTION 4. REPEAL.) Subsection 9 of section 39-06.1-05 of the 1975 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 17, 1977

## CHAPTER 355

HOUSE BILL NO. 1442  
(Richard, Solberg)

## MOTORCYCLE TRAFFIC OFFENSES

AN ACT to create and enact five new paragraphs to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the assessment of points on driving records for various motorcycle offenses; to amend and reenact section 39-06.1-09, subsection 1 of section 39-10.2-06, and section 39-10.2-07 of the North Dakota Century Code, relating to defining motorcycle offenses as moving violations, clarifying the use of motorcycle helmets, and clarifying penalties; and providing penalties.

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

SECTION 1. AMENDMENT.) Section 39-06.1-09 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-09. "MOVING VIOLATION" DEFINED.) For the purposes of section 39-06.1-06 and section 39-06.1-13, a "moving violation" means a violation of section 39-09-02, or an equivalent ordinance; or a violation of section 39-04-22; subsection 1 of section 39-04-37; sections 39-05-12; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; 39-09-05; 39-09-09; 39-10.2-02; 39-10.2-03; 39-10.2-04; 39-10.2-05; 39-10.2-06; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapters 39-10 ("general rules of the road") or 39-21 ("equipment of vehicles"), or equivalent ordinances, except those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 2.) Five new paragraphs to subdivision a of subsection 3 of section 39-06.1-10 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Improper operation or unlawful carrying of passengers or packages on a motorcycle in violation of section 39-10.2-02, or equivalent ordinance	2 points
Improper operation of a motorcycle in laned traffic in violation of section 39-10.2-03, or equivalent ordinance	2 points
Clinging to other vehicles while riding a	4 points

motorcycle in violation of section  
39-10.2-04, or equivalent ordinance

Carrying a passenger on a motorcycle not  
equipped with passenger footrests in  
violation of section 39-10.2-05, or  
equivalent ordinance 2 points

Operating a motorcycle without protective  
headgear in violation of subsection 1 of  
section 39-10.2-06, or equivalent ordinance 2 points

SECTION 3. AMENDMENT.) Subsection 1 of section 39-10.2-06  
of the 1975 Supplement to the North Dakota Century Code is hereby  
amended and reenacted to read as follows:

1. No person under the age of eighteen years shall  
operate or ride upon a motorcycle unless pro-  
tective headgear, which complies with standards  
established by the motor vehicle department, is  
being worn on the head of the operator and rider,  
except when participating in a lawful parade. If  
the operator of a motorcycle is required to wear  
protective headgear, any passenger must also wear  
protective headgear regardless of the age of the  
passenger.

SECTION 4. AMENDMENT.) Section 39-10.2-07 of the 1975 Supple-  
ment to the North Dakota Century Code is hereby amended and reenacted  
to read as follows:

39-10.2-07. OTHER APPLICABLE LAW.) All of the provisions of  
chapter 39-06.1 pertaining to the disposition of traffic offenses  
shall apply to this chapter.

Not approved or disapproved by the Governor

Filed April 22, 1977

## CHAPTER 356

HOUSE BILL NO. 1529  
(Martinson)

## REFERRAL OF D.W.I. DEFENDANTS

AN ACT to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to the referral of DWI defendants to a treatment facility prior to sentencing.

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

SECTION 1.) A new subsection to section 39-08-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

The court may, upon a conviction of a person under this section, but prior to sentencing, refer him to an addiction facility licensed by the North Dakota state department of health for diagnosis. Upon receipt of the results of this diagnosis, the court may impose a sentence as prescribed in this section or it may sentence the person to treatment in a facility approved by the North Dakota state department of health, division of alcoholism and drug abuse.

Approved March 19, 1977

## CHAPTER 357

SENATE BILL NO. 2162  
(Committee on Transportation)  
(At the request of the Highway Patrol)

### ACCIDENT REPORT

AN ACT to amend and reenact section 39-08-10 of the North Dakota Century Code, relating to an officer's duty to make and forward a written report of a motor vehicle accident.

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

SECTION 1. AMENDMENT.) Section 39-08-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-10. OFFICER TO REPORT.) Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident required to be reported as provided in section 39-08-09 either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall make and forward promptly a written report of such accident to the highway commissioner.

Approved March 31, 1977

## CHAPTER 358

SENATE BILL NO. 2150  
(Committee on Transportation)  
(At the request of the Highway Department)

## LEFT TURN ON RED SIGNAL

AN ACT to amend and reenact subsection 3 of section 39-10-05 of the North Dakota Century Code, relating to traffic-control signal legends and permitting certain turn movements on red signal.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 39-10-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Steady red indication:

- a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided for in subdivision b of this subsection.
- b. Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subdivision a of this subsection. Such vehicular traffic shall yield the right of way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing a steady red signal alone shall not enter the roadway.

Approved March 17, 1977

## CHAPTER 359

HOUSE BILL NO. 1113  
(Gronneberg)

## RED REFLECTORS

AN ACT to create and enact subsection 5 of section 39-10-07.2 of the North Dakota Century Code, relating to red reflectors within the right-of-way of any highway.

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

SECTION 1.) Subsection 5 of section 39-10-07.2 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

5. No person shall place, maintain, or display upon or within the right-of-way of any highway any sign, post, pole, mailbox, or signal which has a red lamp or red reflector visible to traffic. The provisions of this subsection shall not apply to official traffic devices, lamps, or reflectors on motor vehicles or bicycles, or railroad signals or signs.

Approved March 11, 1977



## CHAPTER 360

SENATE BILL NO. 2539  
(Freed)

EXCEPTION FROM STOPPING AT RAILROAD  
CROSSING

AN ACT to amend and reenact subsection 2 of section 39-10-43 of the North Dakota Century Code, relating to certain vehicles being required to stop at railroad grade crossings at which traffic is controlled by a police officer.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 39-10-43 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. No stop need be made at any such crossing at which traffic is controlled by a police officer. For the purposes of this section, a United States marshal shall be considered a police officer.

Approved March 31, 1977

## CHAPTER 361

HOUSE BILL NO. 1155  
(Committee on Transportation)  
(At the request of the Highway Department)

## WIDTH AND HEIGHT LIMITATIONS

AN ACT to amend and reenact subsections 1 and 2 of section 39-12-04 of the North Dakota Century Code, relating to width, height, and length limitations on vehicles.

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

SECTION 1. AMENDMENT.) Subsections 1 and 2 of section 39-12-04 of the 1975 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to:
  - a. Vehicles not exceeding one hundred two inches while operated on those highways designated by the highway commissioner.
  - b. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed ten feet in width when being moved by contractors or resident carriers.
  - c. Implements of husbandry being moved by resident farmers, ranchers, or dealers between sunrise and sunset.
  - d. Hay in the stack being moved along the extreme right edge of a roadway between sunrise and sunset by someone other than a commercial mover; provided that the highway commissioner or local authorities may adopt reasonable rules and regulations governing such movements.
  - e. Commercial haystack movers who have a seasonal permit to move haystacks or hay bales, which shall be obtained from the highway commissioner upon filing proof of liability insurance coverage in an amount of not less than fifty thousand dollars and the payment of a permit fee of

fifteen dollars, which shall be in lieu of registration requirements during the period covered by such permit.

- f. Overwidth self-propelled fertilizer spreaders and hay grinders if the owners have seasonal permits with such restrictions as required by the commissioner, which shall be obtained from the commissioner upon filing proof of liability insurance coverage in an amount of not less than fifty thousand dollars and the payment of a permit fee of fifteen dollars.

All vehicles, including their load, exempted from the width limitations provided by this subsection, when operating on a public highway, shall be preceded and followed by a flagman, or shall have mounted a sign or device on a pole or rod of such type and such height as approved by the state highway commissioner, indicating the presence of an overwidth, slow-moving vehicle.

2. A height of thirteen feet, six inches, whether loaded or unloaded, except that such height limitation shall not affect any present structure such as bridges and underpasses that are not thirteen feet six inches in height.

Approved March 11, 1977

## CHAPTER 362

HOUSE BILL NO. 1146  
(Tveten)

## LENGTH LIMITATIONS

AN ACT to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for motor vehicles.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 39-12-04 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 3. A length limitation as follows:
- a. A single unit vehicle with two or more axles including the load thereon shall not exceed a length of forty feet.
  - b. A combination of two units including the load thereon, may be operated on and over those highways in the state designated by the highway commissioner and shall not exceed a length of sixty-five feet.
  - c. A combination of three units including the load thereon may be operated on and over those highways in the state designated by the highway commissioner and shall not exceed a length of sixty-five feet. Combinations of three units are permissible only as follows:
    - (1) A truck-tractor and semitrailer may draw a trailer or semitrailer converted to a trailer by use of a dolly and fifth wheel.
    - (2) A motor vehicle may draw three motor vehicles attached thereto by a triple saddle mount method.

\*NOTE: Subsection 3 of section 39-12-04 was also amended by section 1 of House Bill No. 1115, chapter 363.

- (3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles per hour. The two-implement-of-husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the highway commissioner determines by regulation are consistent with public highway safety.

d. Length limitations shall not apply to:

- (1) Building moving equipment.
- (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
- (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
- (4) Structural material of telephone, power, and telegraph companies.

Approved March 5, 1977

## CHAPTER 363

HOUSE BILL NO. 1115  
(Erickson)

## HAYSTACK MOVER LENGTH LIMITATION

AN ACT to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for truck-mounted haystack movers.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 39-12-04 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 3. A length limitation as follows:
- a. A single unit vehicle with two axles including the load thereon shall not exceed a length of thirty-five feet.
  - b. A single unit vehicle with three or more axles including the load thereon shall not exceed a length of forty feet.
  - c. A combination of two units including the load thereon, may be operated on and over those highways in the state designated by the highway commissioner and shall not exceed a length of sixty-five feet.
  - d. A combination of three units including the load thereon may be operated on and over those highways in the state designated by the highway commissioner and shall not exceed a length of sixty-five feet. Combinations of three units are permissible only as follows:
    - (1) A truck-tractor and semitrailer may draw a trailer or semitrailer converted to a trailer by use of a dolly and fifth wheel.
    - (2) A motor vehicle may draw three motor vehicles attached thereto by a triple saddle mount method.

\*NOTE: Subsection 3 of section 39-12-04 was also amended by section 1 of House Bill No. 1146, chapter 362.

- (3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles per hour. The two-implement-of-husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the highway commissioner determines by regulation are consistent with public highway safety.
- e. Length limitations shall not apply to:
- (1) Building moving equipment.
  - (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
  - (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
  - (4) Structural material of telephone, power, and telegraph companies.
  - (5) Truck-mounted haystack moving equipment, provided such equipment does not exceed a length of fifty feet.

Approved March 5, 1977

## CHAPTER 364

SENATE BILL NO. 2518  
(Farrington, Jones, Solberg)

## WEIGHT LIMITATIONS

AN ACT to amend and reenact subsection 1 of section 39-12-05 of the North Dakota Century Code, relating to motor vehicle weight limitations.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 39-12-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. No single axle shall carry a gross weight in excess of twenty thousand pounds nor a wheel load to exceed ten thousand pounds. No wheel shall carry a gross weight in excess of five hundred and fifty pounds for each inch of tire width. Axles spaced forty inches apart or less shall be considered as one axle and on axles spaced over forty inches and under eight feet apart, the axle load shall not exceed seventeen thousand pounds per axle. The wheel load, in any instance, shall not exceed one-half the allowable axle load. Spacing between axles shall be measured from axle center to axle center.

Approved March 31, 1977



## CHAPTER 365

HOUSE BILL NO. 1470  
(Gunderson, Jacobson)

### CONTENTS OF ABSTRACTS OF DRIVING RECORDS

AN ACT to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to the furnishing of abstracts of driving records and the contents of such records.

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

SECTION 1. AMENDMENT.) Section 39-16-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-03. ABSTRACTS - ACCIDENT REPORTS - FEE - NOT ADMISSIBLE IN EVIDENCE.) The commissioner upon request shall furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter which shall include the convictions, adjudications, and admissions of commission of traffic offenses of such person and suspensions, revocations, and restrictions of his driving privileges.

The commissioner upon request shall in addition furnish any person a copy of that portion of an officer's accident report which does not disclose the opinion of the reporting officer, when the report shows that death, personal injury, or property damage of two hundred dollars or more resulted from such accident.

Copies of accident reports and 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 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 April 9, 1977

## CHAPTER 366

SENATE BILL NO. 2536  
(Solberg)

## MOBILE HOME DEALER LICENSING

AN ACT to amend and reenact section 39-18-01 of the North Dakota Century Code, relating to mobile home dealer's licenses, fees, and dealer's plates.

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

SECTION 1. AMENDMENT.) Section 39-18-01 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-01. MOBILE HOME DEALER'S LICENSES - FEES - DEALER'S PLATES.) No person, partnership, or corporation shall engage in the business of buying, selling, or exchanging of mobile homes, or advertise or hold himself or itself out to the public as being in the business of buying, selling, or exchanging of mobile homes without first being licensed to do so as hereinafter provided.

Application for dealer's license and renewal license shall be made to the motor vehicle department on such forms as the department shall prescribe and furnish, and such application shall be accompanied by an annual fee of twenty-five dollars. Such dealer's license shall expire on December thirty-first of each year, and application for renewal of such dealer's license shall be made on or before the expiration of the current dealer's license.

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

In addition, the dealer shall maintain his business records in one central location.

Upon the payment of a fee of five dollars for each plate, the motor vehicle department shall register and issue dealer's license plates for use on any mobile homes owned by the licensed dealer, and such mobile homes bearing such dealer's license plates

may be lawfully operated upon the public highways of the state of North Dakota by such dealer, his agents and servants, during the year of such registration. Such dealer's license plates shall expire on December thirty-first of each year.

The term "mobile home" as used in this chapter shall include and shall have the same meaning as "house trailer", and both terms shall have the meaning prescribed in subsection 68 of section 39-01-01.

Any mobile home dealer licensed under the provisions of this chapter may sell motor powered mobile homes without being licensed under the provisions of chapter 39-22.

Approved April 20, 1977

## CHAPTER 367

HOUSE BILL NO. 1245  
(Committee on Transportation)  
(At the request of the Highway Department)

### CHEMICAL SCREENING TESTS

AN ACT to amend and reenact section 39-20-14 of the North Dakota Century Code, relating to chemical screening tests.

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

SECTION 1. AMENDMENT.) Section 39-20-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-14. 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 an on-site screening test or tests of his breath for the purpose of estimating the alcohol content of his blood upon the request of a law enforcement officer who has reason to believe that such person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or the accident the officer has, through his observations, formulated an opinion that such person's body contains alcohol. A person shall not be required to submit to a 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. The screening test or tests shall be performed by an enforcement officer certified as a chemical test operator by the state toxicologist and according to methods and with devices approved by the state toxicologist. The results of such screening test shall be used only for determining whether or not a further test shall be given under the provisions of section 39-20-01. If such person refuses to submit to such 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.

## CHAPTER 368

SENATE BILL NO. 2349  
(Melland)

## MOTOR VEHICLE DEALER LICENSING

AN ACT to amend and reenact section 39-22-02 of the North Dakota Century Code, relating to motor vehicle dealer licensing and the sale of motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-22-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-02. MOTOR VEHICLE DEALER'S LICENSES - FEES - ADDITIONAL NUMBER PLATES.) It shall be unlawful for any person, partnership, or corporation to engage in the business of buying, selling, or exchanging of motor vehicles, or to advertise or hold himself out to the public as engaging in the buying, selling, or exchanging of motor vehicles, or to engage in the buying of motor vehicles for resale, unless he possesses a current new motor vehicle dealer's license or used motor vehicle dealer's license for which he shall pay the license fee of twenty-five dollars per year, and with which shall be issued one set of dealer's plates. A second set of dealer's number plates shall be issued to the dealer upon payment of an additional fee of twenty-five dollars. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of ten dollars per set. Such number plates may be used on any car owned by the dealer. In addition to the dealer's license plates, the registrar of motor vehicles may issue to any dealer holding a regular dealer's license plate, an in-transit license plate for a fee of two dollars per plate. Such plates may be used on vehicles in lieu of dealer's plates while a motor vehicle is in transit from its place of manufacture or any other place, to the dealer. Special utility plates may be issued by the registrar to any dealer, for a fee of two dollars, which special utility plate shall be used only on a vehicle while it is being used by the dealership to which the plate is issued within a radius of twenty-five miles of the licensee's place of business.

No application shall be granted nor a license issued to anyone until or unless the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has, does, and will continue to maintain, in the case of a used motor vehicle dealer's

license, an established place of business, and has facilities and equipment for the maintenance, servicing, and repair of motor vehicles. An established central place of business, when used in this sense, means a permanent or enclosed building or structure either owned in fee or leased with a stated periodic rental, at which a permanent business of bartering, trading, and selling of motor vehicles, the repair, maintenance, and servicing of motor vehicles and the storage of parts and accessories therefor, will be carried on as such in good faith and not for the purpose of evading this section, and at which place of business shall be kept and maintained the books, records, and files, necessary to conduct the business at such place, and shall not mean a residence, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. Said central place of business may consist of several buildings, or structures, but no building or structure constituting a part of said central place of business shall be located at a distance greater than one thousand feet from any other buildings or structures of said central place of business. If the license is granted hereunder, the licensee shall be permitted to use unimproved lots and premises for sales, storage, or display of motor vehicles.

Every dealer must have repair and service facilities and he must maintain a service and repair shop with a minimum investment of at least one thousand dollars in tools and shop equipment, as appraised by a representative of the registrar of motor vehicles.

In the case of an application for a new motor vehicle dealer's license, the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has, does, and will continue to maintain all of the facilities described above applicable to a used motor vehicle dealer's license and in addition thereto, shall furnish proof satisfactory to the registrar of the fact that the applicant has a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle or motor vehicles in which he proposes to deal. A new motor vehicle dealer's license shall entitle the holder to deal in both used motor vehicles and in those new motor vehicles only for which he has a bona fide contract or franchise in effect with a manufacturer or distributor. A used motor vehicle dealer's license shall entitle the holder to deal in used motor vehicles only.

Whenever a motor vehicle dealer shall purchase or hold for sale a new motor vehicle for which he does not have a bona fide contract or franchise in effect with a manufacturer or distributor, such new motor vehicle shall become, at the time of purchase or possession, subject to the registration provisions of chapter 39-04, the title registration provisions of chapter 39-05, and the motor vehicle excise tax provisions of chapter 57-40.3.

If the licensee desires to remove from the central 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 with the requirements hereinbefore set forth.

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## CHAPTER 369

SENATE BILL NO. 2182  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

### REPEAL OF USED MOTOR VEHICLE LIST

AN ACT to repeal section 39-22-09 of the North Dakota Century Code, relating to filing of list of used motor vehicles and fees paid on used cars by dealers.

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

SECTION 1. REPEAL.) Section 39-22-09 of the 1975 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 12, 1977

## CHAPTER 370

SENATE BILL NO. 2222  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

### SEMITRAILER DEALER LICENSING

AN ACT to provide for the licensing and bonding of semitrailer dealers; and to provide a penalty.

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

SECTION 1. SEMITRAILER DEALER'S LICENSE - FEES - PLATES.) No person, partnership, or corporation shall engage in the business of buying, selling, or exchanging of semitrailers, or advertise or hold himself or itself out to the public as being in the business of buying, selling, or exchanging of semitrailers without first being licensed to do so as hereinafter provided.

Application for dealer's license and renewal license shall be made to the motor vehicle registrar on such forms as the registrar shall prescribe and furnish, and such application shall be accompanied by an annual fee of fifteen dollars. Such dealer's license shall expire on December thirty-first of each year, and application for renewal of such dealer's license shall be made on or before the expiration of the current dealer's license.

A semitrailer dealer's license shall be issued only to those who will maintain a permanent office and place of business and will abide by all the provisions of law pertaining to semitrailer dealers. In addition, the dealer shall maintain his business records in one central location.

Upon the payment of a fee of five dollars for each plate, the motor vehicle registrar shall register and issue dealer's license plates for use on any semitrailers owned by the licensed dealer, and such semitrailers bearing such dealer's license plates may be lawfully operated upon the public highways of the state of North Dakota by such dealer, his agents and representatives, during the year of such registration. Such dealer's license plates shall expire on December thirty-first of each year.

The term "semitrailer" as used in this chapter shall include and have the same meaning as the meaning prescribed in subsection



55 of section 39-01-01.

SECTION 2. BOND REQUIRED.) Before the issuance of a semi-trailer 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 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 semitrailers, and indemnifying any person dealing or transacting business with such dealer in connection with any semi-trailer 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 semitrailer within fifteen days of the sale of such semitrailer, and that such bond shall be filed with the motor vehicle registrar 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. Any applicant bonded pursuant to the provisions of chapters 39-18 or 39-22 shall not be required to furnish the surety bond provided for in this section whenever the bond issued pursuant to chapters 39-18 or 39-22 is written to include the requirements of this section.

SECTION 3. SUSPENSION OR REVOCATION OF DEALER'S LICENSE.) The motor vehicle registrar may suspend or revoke any dealer's license for failure of the licensee to comply with any of the laws of the state of North Dakota governing semitrailer dealers, or for the failure to comply with the reasonable rules and regulations of the motor vehicle registrar as established under chapter 28-32, but no order suspending or revoking a dealer's license shall be made without a hearing at which the licensee shall be given an opportunity to be heard.

SECTION 4. PENALTY.) Any person who violates the provisions of this chapter shall be guilty of an infraction.

Approved April 19, 1977

## CHAPTER 371

SENATE BILL NO. 2184  
(Committee on Transportation)  
(At the request of the Motor Vehicle Department)

## SNOWMOBILE REGISTRATION NUMBER REPLACEMENT FEE

AN ACT to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to the registration fees for snowmobiles.

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

SECTION 1. AMENDMENT.) Section 39-24-03 of 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 replacement registration number or registration card which shall be

\*NOTE: Section 39-24-03 was also amended by section 1 of House Bill No. 1148, chapter 372.

lost, mutilated, or shall become illegible shall not exceed two dollars. 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.

Approved April 19, 1977

## CHAPTER 372

HOUSE BILL NO. 1148  
(Committee on Transportation)  
(At the request of the North Dakota Park  
Service and State Outdoor Recreation Agency)

## SNOWMOBILE TRAIL TAX

AN ACT to amend and reenact sections 39-24-03 and 39-24-05 of the North Dakota Century Code, relating to snowmobile registration fees and the disposition of same.

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

SECTION 1. AMENDMENT.) Section 39-24-03 of 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 dupli-

\*NOTE: Section 39-24-03 was also amended by section 1 of Senate Bill No. 2184, chapter 371.

cate 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. For each snowmobile registered under the provisions of this chapter, there shall be assessed a snowmobile trail tax in the amount of two dollars.

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 39-24-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-05. DISPOSITION OF REGISTRATION FEES.) Fees from registration of snowmobiles shall be deposited with the state treasurer and credited to the motor vehicle registrar fund. The snowmobile trail tax shall be deposited in a state snowmobile fund in the state treasury. The state outdoor recreation agency may expend from such fund any moneys as it deems necessary for purposes of establishing snowmobile facilities.

Approved April 20, 1977

## CHAPTER 373

HOUSE BILL NO. 1186  
(Committee on Transportation)  
(At the request of the Highway Department)

## REGULATION OF HIGHWAY USE BY SNOWMOBILES

AN ACT to amend and reenact subsection 2 of section 39-24-08 of the North Dakota Century Code, relating to the regulation and use of snowmobiles upon the state highways; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 39-24-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The highway commissioner shall have the authority in the interest of public health, welfare, and safety to regulate, restrict, or prohibit, by rule or regulation, the operation of snowmobiles on those highways under his jurisdiction. The highway commissioner's authority to prohibit the use of snowmobiles shall be limited to the roadways, shoulders, inslopes, and medians within the right-of-way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in sections 39-08-03.1 and 39-10-70, the highway commissioner may, on a case-by-case basis, permit organized and bona fide snowmobile races on the ditch bottoms, backslopes, and the top of the backslopes of the highway rights-of-way under his jurisdiction. The planning, organization, route selection, and safety precautions of any such race shall be the sole responsibility of the permittee. It is expressly provided that the highway commissioner, and the department and the employees thereof, shall incur no liability whatsoever for permitting such races.

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

Approved March 17, 1977

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## CHAPTER 374

HOUSE BILL NO. 1199  
(Rued)

### SLED-TOWING BY SNOWMOBILES

AN ACT to create and enact a new subsection to section 39-24-09 of the North Dakota Century Code, relating to the towing of sleds behind snowmobiles.

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

SECTION 1.) A new subsection to section 39-24-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

No snowmobile shall be operated at any time within the right-of-way of any highway within this state while towing a sled, skid, or any other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.

Approved March 12, 1977