

MOTOR VEHICLES

CHAPTER 438

SENATE BILL NO. 2481
(Kelly, Tennesos)

EMERGENCY VEHICLES

AN ACT to amend and reenact subdivision c of subsection 1 of section 39-01-01 and section 39-10-03.2 of the North Dakota Century Code, relating to operation of certain emergency motor vehicles.

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

SECTION 1. AMENDMENT. Subdivision c of subsection 1 of section 39-01-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

c. Class C authorized emergency vehicles means ~~these vehicles:~~

- (1) Vehicles authorized by state and local disaster emergency services organizations ~~and these vehicles.~~
- (2) Vehicles used by volunteer firemen while performing their assigned disaster and emergency responsibilities.
- (3) Vehicles, other than ambulances, used by emergency medical services personnel.

SECTION 2. AMENDMENT. Section 39-10-03.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-03.2. Class C authorized emergency vehicles. All class B specifications apply to class C authorized emergency vehicles except that a rotating blue flashing light shall be displayed in place of an amber light as provided in section 39-10-03.1. The With respect to vehicles used by state and local disaster emergency services personnel, the division of disaster emergency services shall be management is responsible for promulgating the adopting rules for the use of flashing blue lights in accordance with chapter 28-32.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 439

SENATE BILL NO. 2142
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE TITLE DEFINITIONS

AN ACT to create and enact six new subsections to section 39-01-01 of the North Dakota Century Code, relating to motor vehicle definitions; and to repeal sections 39-04-01 and 39-22-01 of the North Dakota Century Code, relating to motor vehicle definitions.

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

SECTION 1. Six new subsections to section 39-01-01 of the 1985 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

"Essential parts" includes all integral parts and body parts the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

"Foreign vehicle" means every motor vehicle which is brought into this state other than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

"Reconstructed vehicle" means any vehicle, of a type required to be registered, materially altered from its original construction by the removal, addition, or substitution of new or used essential parts.

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.

"Specially constructed vehicle" means any vehicle which was not constructed originally under the distinct name, make, model, or type by a generally recognized manufacturer of vehicles.

"Travel trailer" means a mobile home or housetrailer designed to be towed behind a motor vehicle for recreational purposes and providing temporary sleeping quarters for people.

SECTION 2. REPEAL. Section 39-22-01 of the North Dakota Century Code, and section 39-04-01 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 440

SENATE BILL NO. 2270
(Committee on Transportation)
(At the request of the Highway Department)

OPERATOR'S LICENSE FEES

AN ACT to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to motor vehicle operator's license examination fees; to amend and reenact section 39-01-11, subsections 1, 3, 6, and 9 of section 39-06-03.1, subsections 1 and 7 of section 39-06-14, sections 39-06-18 and 39-06-19 of the North Dakota Century Code, relating to various fees paid to the highway commissioner.

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

SECTION 1. AMENDMENT. Section 39-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-11. Nonresident motor vehicle user - Service upon. The use and operation by a resident of this state or his agent, or by a nonresident or his agent, of a motor vehicle upon or over the highways of this state shall be deemed an appointment by such resident when he has been absent from this state continuously for six months or more following an accident or by such nonresident at any time, of the highway commissioner of this state to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him growing out of the use or operation of the motor vehicle resulting in damages or loss to person or property, whether the damage or loss occurs upon a public highway or upon public or private property, and such use or operation shall constitute an agreement that any such process in any action against him which is so served shall have the same legal force and effect as if served upon him personally, or, in case of his death, that such process shall have the same legal force and effect as if served upon the administrator of his estate. Service of the summons in such case may be made by delivering a copy thereof to the commissioner together with a fee of ~~two~~ ten dollars.

* SECTION 2. AMENDMENT. Subsections 1, 3, 6, and 9 of section 39-06-03.1 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

* NOTE: Subsections 1 and 9 of section 39-06-03.1 were also amended by section 1 of Senate Bill No. 2093, chapter 457.

1. The commissioner shall issue upon request a nondriver color photo identification card to any person, of the age of ~~sixteen~~ fourteen years or over, fulfilling the requirements of this section.
3. The fee shall be ~~three~~ eight dollars. Fees collected pursuant to this section shall be paid monthly into the highway fund in the state treasury.
6. The commissioner is hereby authorized to utilize whatever advertising ~~he deems~~ deemed necessary to make the public aware of the card and its use.
9. A duplicate card may be obtained by making an application and paying a ~~three~~ eight dollar fee.

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

Fee for examination of applicants.

1. Every applicant for an operator's license who is required to be tested to determine the applicant's knowledge of highway signs, regulating, warning, and directing traffic and of the traffic laws of this state shall pay a fee of five dollars.
2. Every applicant for an operator's license who is required to be tested to demonstrate applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall pay a fee of five dollars.

* SECTION 4. AMENDMENT. Subsections 1 and 7 of section 39-06-14 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The commissioner shall, upon payment of ~~an eight a ten~~ dollar fee, issue to every qualified 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. If requested on the license application, the license issued by the commissioner shall identify the licensee as a donor under the provisions of 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

* NOTE: Section 39-06-14 was also amended by section 2 of Senate Bill No. 2093, chapter 457.

the manner in which photographs are to be obtained and placed on operator's licenses.

7. The commissioner may issue a motorized bicycle operator's permit to an applicant who is at least fourteen years of age. To obtain a permit, the applicant shall pay a fee of ~~eight~~ ten dollars and take a written examination of the applicant's knowledge of traffic laws and general rules of the road. If the applicant passes the written examination and the commissioner is satisfied that the applicant has adequate eyesight, the commissioner may issue the applicant a motorized bicycle operator's permit, even if the applicant does not have an operator's license. The permit expires in the same manner as an operator's license. A person who has an operator's license, a temporary permit, an instructor's permit, or a motorcycle permit is not required to obtain a motorized bicycle operator's permit.

SECTION 5. AMENDMENT. Section 39-06-18 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-18. Duplicate certificates. In the event that a permit or license issued under the provisions of this chapter is lost, mutilated, or destroyed, or contains erroneous information due to a change in name, address, or for any other reason, the person to whom the same was issued may obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the commissioner that such permit or license has been lost, mutilated, or destroyed, or is erroneous, and upon payment of a ~~three~~ eight dollar fee.

*** SECTION 6. AMENDMENT.** Section 39-06-19 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-19. Expiration of license - Renewal. Every operator's license issued under this chapter shall expire and be renewed according to this section. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an odd numeral shall be twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an even numeral shall be twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. Application with fee for renewal of license shall be presented to the commissioner not prior to ten months before the expiration date of the operator's license. The commissioner may require an examination of an applicant as upon an original application. Every application for renewal of a license by an applicant shall be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of

*** NOTE:** Section 39-06-19 was also amended by section 3 of Senate Bill No. 2093, chapter 457.

the applicant. The commissioner shall provide visual examination equipment at each location where a license may be renewed. Am The initial application for a motor vehicle operator's license from an applicant applying for first license under the age of twenty-one may be accompanied by a certificate statement of examination from a licensed physician or an optometrist, licensed in this or another state, containing a statement as to stating the corrected and uncorrected vision of the applicant, in lieu of the eye department examination conducted by the driver licensing authorities. No certificate of. Such examination shall be dated more than within six months prior to the date of the driver license application. Every person submitting an application and fee for renewal of license one year or more after the expiration of a license, except an applicant whose military, or merchant marine service has terminated less than sixty thirty days prior to such application, shall be treated as a new driver and subject to the examination as upon an original application. The fee for every operator's license shall be eight ten dollars.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 441

SENATE BILL NO. 2542

(J. Meyer, Mathern)

(Approved by the Committee on Delayed Bills)

MOBILITY IMPAIRED PARKING PRIVILEGES

AN ACT to amend and reenact section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility impaired persons.

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

SECTION 1. AMENDMENT. Section 39-01-15 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-15. Parking privileges for physically handicapped mobility impaired - Certificate - Revocation - Penalty.

1. Any physically handicapped mobility impaired person who displays prominently upon an automobile parked by ~~him~~ that person or under ~~his~~ that person's direction and for ~~his~~ that person's use, the distinguishing certificate or insignia specified in subsection 3 ~~shall be~~ 4 is entitled to courtesy in the parking of ~~such~~ the automobile. Provided, however, that any municipality may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extended to such handicapped impaired persons ~~shall do not~~ apply on streets or highways where and during such times as parking is prohibited.
2. Physically handicapped Mobility impaired as used in this section ~~shall include~~ includes any person who has sustained an amputation or material disability of either or both legs, or who has been otherwise ~~disabled~~ impaired in any manner rendering it difficult and burdensome for ~~him~~ that person to walk.
3. The registrar shall appoint a three-member committee. The committee must include two mobility impaired persons and

- one qualified physician. The terms of membership on the committee are three years, staggered so that one member is appointed each year. The initial membership of the committee must be appointed to terms of up to three years to provide for the initial staggering of terms under this subsection. The committee shall develop guidelines for qualification for and issuance of a special identifying certificate or insignia for use in this state.
4. The registrar of motor vehicles shall issue without charge, for a fee of two dollars per year or part of a year, a special identifying certificate or insignia for a marked motor vehicle to any physically handicapped mobility impaired applicant upon submission by the applicant of a completed application and a certificate issued by a qualified physician to the registrar that he the applicant is a physically handicapped mobility impaired person within the meaning of subsection 2. The application must include the information required by the committee. The physician must describe how the impairment limits the applicant's mobility and daily life functions of the applicant. The certificate or insignia is valid for a period determined by the registrar. The registrar shall determine the form and size of the certificate or insignia and shall promulgate adopt rules and regulations governing the issuance thereof of the certificate or insignia. Of each fee for issuance of a certificate or insignia under this section, one dollar must be deposited in the state highway department fund for purposes of defraying the cost of issuing the certificate or insignia. The rest of the fee must be deposited in the general fund for use, subject to legislative appropriation, by the committee on employment of the handicapped of the governor's council on human resources for development of job opportunities for disabled individuals in this state. If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement certificate. The person shall furnish proof satisfactory to the registrar that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars.
5. An applicant may appeal a decision denying issuance of the certificate or insignia to the registrar of motor vehicles. Written notice of the appeal must be received within ten business days following receipt by the applicant of notice of denial. The applicant has sixty days to provide additional supportive material to the registrar for purposes of deciding the appeal. The registrar shall affirm or reverse the decision to deny issuance of the certificate or insignia within thirty days after receipt of the supportive material. Written notice of the decision must be given to the applicant.

- 4- 6. If the police of any municipality or any other political subdivision shall find that such certificate or insignia is being improperly used, they may report to the registrar of motor vehicles any such violation and the registrar may, in his discretion, remove the privilege. Any person who is not physically handicapped mobility impaired and who exercises the privileges granted a physically handicapped mobility impaired person under subsection 1 shall be guilty of an infraction.
- 5- 7. Whenever any public or private agency or authority designates parking spaces for use by motor vehicles operated by physically handicapped mobility impaired 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. For particular events, a public or a private agency may reserve additional parking spaces for use by motor vehicles operated by mobility impaired persons. In that case, the temporarily reserved spaces must be indicated by signs or other suitable means. The law enforcement agency of any city or any other political subdivision may enforce the provisions of this subsection in any parking lot or parking facility that is generally open to the public, whether publicly or privately owned.
- 6- 8. No person may stop, stand, or park any vehicle in any designated parking space which is reserved for the physically handicapped mobility impaired on any state charitable or penal institution property or on the state capitol grounds unless the vehicle displays a physically handicapped mobility impaired identification certificate or insignia issued by the registrar of motor vehicle registrar vehicles to a physically handicapped mobility impaired person.

Approved April 17, 1987
Filed April 17, 1987

CHAPTER 442

HOUSE BILL NO. 1100
(Committee on Transportation)
(At the request of the Highway Department)

HIGHWAY DEPARTMENT OATHS AND RECORDS

AN ACT to create and enact a new section to chapter 39-01 of the North Dakota Century Code, relating to the administration of oaths and the admissibility of certified copies in matters pertaining to driver's license proceedings.

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

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

Authority to administer oaths and certify copies of records - Admissibility of records.

1. Officers and employees of the department designated by the commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and must do so without fee.
2. A certified copy of any record maintained by the commissioner relative to title 39 is admissible in any judicial proceedings or administrative hearing in the same manner as the original of the record.
3. In response to a subpoena, or upon the request of any appropriate government or judicial official, the commissioner shall provide a duly certified copy of any book, paper, entry, record, or other document of that agency. This certified copy may consist of a photocopy or computer printout of the requested document certified by the commissioner or a duly authorized representative.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 443

HOUSE BILL NO. 1121
(Committee on Transportation)
(At the request of the Highway Patrol)

HIGHWAY PATROL INSPECTIONS AND RULES

AN ACT to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol; and to amend and reenact section 39-21-46 of the North Dakota Century Code, relating to brake and equipment requirements.

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

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

To require a motor carrier owner, or a motor carrier's agent, affected by rules adopted under chapter 39-21 to produce logs or other documents to determine compliance with rules adopted under chapter 39-21.

SECTION 2. AMENDMENT. Section 39-21-46 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-46. Scope and effect of equipment requirements - Penalty.

1. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which the actor knows to be in such unsafe condition as to endanger any person, or which the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter, or which the actor knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter. Any person who violates any of the provisions of section 39-21-08, 39-21-09, 39-21-10, or 39-21-14 shall be assessed a fee of ten dollars. Any person who, in

violation of this chapter, drives, or any owner who causes or knowingly permits to be driven upon a highway, any vehicle or combination of vehicles which that person knows is unsafe or improperly equipped is guilty of an infraction.

2. The superintendent of the state highway patrol shall, under chapter 28-32, adopt necessary rules concerning the safe operation of motor vehicles and when and how motor carrier audits or inspections will be conducted. The rules must duplicate or be consistent with current motor carrier safety regulations of the United States department of transportation. The superintendent of the state highway patrol may adopt the motor carrier safety regulations by reference, and any adoption must be construed to incorporate amendments as may be made from time to time. Any proceeding under this section for issuing or modifying rules and determining compliance with rules of the superintendent of the state highway patrol must be conducted in accordance with chapter 28-32 and appeals may be taken as provided in chapter 28-32.
3. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
- ~~3-~~ 4. The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.
- ~~4-~~ 5. The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles, except as specifically made applicable.
- ~~5-~~ 6. The provisions of this chapter and regulations of the department shall not apply to vehicles moved solely by human power, except as specifically made applicable.

Approved April 14, 1987
Filed April 15, 1987

CHAPTER 444

HOUSE BILL NO. 1559
(Committee on State and Federal Government)

HIGHWAY PATROLMEN'S RETIREMENT

AN ACT to create and enact a new section to chapter 39-03.1 of the North Dakota Century Code, relating to termination refunds of highway patrolmen and repurchase of prior service credit under the highway patrolmen's retirement system; to amend and reenact sections 39-03.1-01, 39-03.1-05, 39-03.1-07, subsection 1 of section 39-03.1-09, 39-03.1-11, and 39-03.1-18 of the North Dakota Century Code, relating to certain definitions, deposit of moneys, contributions, calculation of benefits, and compulsory retirement under the highway patrolmen's retirement system; to repeal sections 39-03.1-08, 39-03.1-12, 39-03.1-13, 39-03.1-14, 39-03.1-17, and 39-03.1-21 of the North Dakota Century Code, relating to service allowances, retirement allowances, optional retirement allowances, severance allowances, and death benefits under the highway patrolmen's retirement system; and to provide a continuing appropriation.

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

SECTION 1. AMENDMENT. Section 39-03.1-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-01. Definitions. The following words and phrases as used in In this chapter, unless a different meaning is plainly implied by the context, shall have the following meanings or subject matter otherwise requires:

1. "Accumulated deductions" means the total of the amounts deducted from the salary of a contributor and paid into the fund, and standing to his the contributor's credit in the fund, together with the regular and interest thereon credited on those amounts at a rate established by the board.
2. "Board" means the North Dakota public employees retirement board.

3. "Contributor" means any person who is a member of the North Dakota highway patrol, is subject to salary deductions to support the fund, and is employed on or after July 1, 1981.
4. "Fund" means the North Dakota highway patrolmen's retirement fund.
5. "Patrol" means the North Dakota highway patrol.
6. "Regular interest" means the interest credited on the contributor's contribution in the amount of four percent per annum. "Salary" means the actual dollar compensation, excluding any bonus or overtime, paid to or for a contributor for the contributor's services.
7. "Surviving spouse" means that person lawfully married to the contributor at the time of the contributor's death.

SECTION 2. AMENDMENT. Section 39-03.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-05. Payments into the North Dakota highway patrolmen's retirement fund Deposit of contributions - Appropriation. All appropriations made by the state of North Dakota, all contributions by members of the North Dakota highway patrol, in the amount hereinafter specified, and all interest on the increase of the investments and moneys under this account shall be paid to the state treasurer, who shall credit said payments to the North Dakota highway patrolmen's retirement fund moneys of the fund, including employers' contributions, contributor's contributions, grants, donations, legacies, and devises for the benefit of the fund, must be deposited in the public employees retirement fund account with the Bank of North Dakota. All of these moneys, not otherwise appropriated, are appropriated for the purpose of making investments for the fund and to make payments to beneficiaries under the program.

SECTION 3. AMENDMENT. Section 39-03.1-07 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-07. Membership. Every Except as otherwise provided, each member of the North Dakota highway patrol, including the superintendent and assistant superintendent, shall be required to contribute to the retirement system established by this chapter, provided, that personnel fund, and is eligible to nominate and vote for members of the board. Personnel of the truck regulatory division of the state highway department transferred to the highway patrol after July 1, 1983, shall are not be members of the retirement system established by this chapter but, instead, shall remain required to contribute to the fund. They are members of the public employees retirement system and social security system.

Contributions by members under this chapter shall commence with the first payroll after July 1, 1949. If any person who becomes a member of the North Dakota highway patrol subsequent to July 1, 1949, shall have been at any time theretofore a member of the North Dakota highway patrol, he shall receive credit for any such service prior to July 1, 1949, upon complying with the provisions of this chapter.

SECTION 4. AMENDMENT. Subsection 1 of section 39-03.1-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Every member, except as provided in section 39-03.1-07, shall contribute into the fund a sum equal to ten and thirty-hundredths percent of the member's monthly salary, which sum shall must be deducted from the member's salary and credited to the member's 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 the contributor as a refund or severance allowance plus regular interest thereon for the period during which the 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 the contributor's 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 elects 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 the contributor might thereby be entitled.

SECTION 5. A new section to chapter 39-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund and repurchase of contributions. A contributor whose employment has been terminated for at least thirty days is entitled to a refund of or to repurchase contributions as follows:

1. a. If the contributor has less than ten years of service at termination of employment, the refund is payable on application of the contributor, or automatically in January of the following calendar year.
- b. If the contributor has at least ten years of service at the date of termination, the contributor may apply for a refund of accumulated deductions instead of retirement benefits. By receiving the refund of accumulated deductions under this subdivision, the

contributor forfeits all months of service to the date of refund and cannot use those months for any future benefit calculations.

2. A contributor who was paid a refund under subdivision a of subsection 1 may, upon reemployment, elect to repurchase months of service lost to the date of refund. The election to repurchase must be made within ninety days of reemployment and repayment must begin within twelve months of reemployment. The repayment may be made in a lump sum or by periodic payments that each year include at least ten percent of the repayment principal amount. The board shall establish an interest rate to be charged on periodic payments. If the contributor's death occurs before completion of the repurchase, the contributor's spouse may, within ninety days of the contributor's death, complete the repurchase. Benefits payable to the surviving spouse cannot be paid until the repurchase has been completed.

SECTION 6. AMENDMENT. Section 39-03.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-11. Retirement benefit. Each contributor whose employment with the patrol has been terminated and has at least twenty-five years accumulated deductions may, after reaching the age of fifty-five years, may apply to the board for the retirement allowance provided in section 39-03.1-12 retirement benefits according to this section and rules adopted by the board consistent with this chapter. The following procedures apply:

1. A contributor is entitled to credit for permanent employment or its equivalent from the date eligibility is attained until normal or postponed retirement date, as described in subsection 3.
2. Retirement benefits are based on the contributor's final average salary. Final average salary is the average of the highest salary received by the contributor for any thirty-six consecutive months employed during the last one hundred twenty months of employment. Months not employed or months in which employment was not as a permanent employee are excluded in arriving at the thirty-six months to be used for the purpose of computing an average. If the contributor has worked for less than thirty-six months at the postponed retirement date, the final average salary is the average salary for all months of employment.
3. Retirement dates are as follows:
 - a. Early retirement date is the first day of the month next following the month in which the contributor

retirement, the contributor or the contributor's designated beneficiary is entitled to the contributor's accumulated deductions at termination.

8. If a contributor who is receiving retirement benefits, or a contributor's surviving spouse who is receiving retirement benefits, dies before the total amount of benefits paid to them equals the amount of the contributor's accumulated deductions at retirement, the difference must be paid to that spouse's estate, to the surviving beneficiary, or to the contributor's estate.
9. The board shall adopt rules providing for the receipt of retirement benefits in the following forms:
 - a. A lifetime monthly pension; and
 - b. A joint survivor benefit payable monthly of fifty percent of the deceased contributor's accrued normal retirement benefits payable until the joint survivor dies.

SECTION 7. AMENDMENT. Section 39-03.1-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-18. Compulsory termination of employment. Except as provided in this section, whenever any A contributor shall reach who is at least the age of sixty years, his may not continue employment with the patrol. The superintendent shall be terminated forthwith. If such contributor has at least twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly retirement allowance provided for in section 39-03.1-12. If such contributor has at least fifteen years but less than twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly optional retirement allowance provided for in section 39-03.1-14. If such contributor has less than fifteen years accumulated deductions, he shall be entitled to receive from the fund, without application therefor, the severance allowance provided for in section 39-03.1-17, except that a contributor who was a member of the North Dakota highway patrol January 1, 1959, shall have the following option-

A contributor who shall have reached compulsory retirement age with less than twenty years service and who has terminated his employment with the patrol shall be eligible for a monthly retirement equal to that portion of the retirement benefits under section 39-03.1-14 as his total accumulations may bear to what the accumulations would have been had he completed twenty years service at the time of his retirement terminate the employment of such a member. The termination is effective no later than the member's sixtieth birthday.

SECTION 8. REPEAL. Sections 39-03.1-08, 39-03.1-13, and 39-03.1-17 of the North Dakota Century Code, and sections 39-03.1-12, 39-03.1-14, and 39-03.1-21 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

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- attains the age of fifty years and has completed at least ten years of eligible employment.
- b. Normal retirement date is the first day of the month next following the month in which the contributor attains the age of fifty-five years and has completed at least ten years of eligible employment.
- c. Postponed retirement date is the first day of the month next following the month in which the contributor attains the age of sixty years.
4. The board shall calculate retirement benefits as follows:
- a. Normal retirement benefits for all retirees reaching the normal retirement date are payable monthly, and are:
- (1) The first twenty-five years of credited service multiplied by two and one-half percent of final average salary.
- (2) All years in excess of twenty-five years of credited service multiplied by one and one-half percent of final average salary.
- b. Early retirement benefits are normal retirement benefits accrued to the date of termination of employment, but actuarially reduced to account for benefit payments beginning before the normal retirement date.
- c. Postponed retirement benefits, for all retirees reaching the postponed retirement date, are calculated in the same manner as normal retirement benefits.
5. On termination of employment after completing ten years of eligible employment but before the normal retirement date, a contributor who does not elect to receive early retirement benefits is eligible to receive deferred vested retirement benefits. The deferred benefits are payable beginning on the contributor's normal retirement date and are one hundred percent of the contributor's normal retirement benefits.
6. If a contributor dies after completing ten years of eligible employment, the surviving spouse of the contributor, after reaching the age of fifty-five, is entitled to a monthly retirement benefit of fifty percent of the deceased contributor's accrued normal retirement benefits until the spouse dies.
7. If a contributor not eligible for the benefits of subsection 6 terminates employment for any reason before

CHAPTER 445**HOUSE BILL NO. 1597
(Dorso)****SEMITRAILER COMPLIANCE WITH HAZARDOUS
MATERIALS RULES**

AN ACT to create and enact a new subsection to section 39-04-02 of the North Dakota Century Code, relating to disclosure of certain information concerning registration of motor vehicle trailers; and to provide a penalty.

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

SECTION 1. A new subsection to section 39-04-02 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

If the registration is for a semitrailer tank designated as MC306, MC307, MC312, MC330, MC331, or MC338, the applicant must show, upon request by an officer of the highway patrol, the status of compliance with hazardous material rules of the United States department of transportation or of this state. Violation of this subsection is punishable by a fine of one hundred dollars.

Approved April 4, 1987
Filed April 6, 1987

CHAPTER 446

SENATE BILL NO. 2138
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE RECORD RETENTION

AN ACT to amend and reenact section 39-04-04 of the North Dakota Century Code, relating to retention of motor vehicle department records.

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

SECTION 1. AMENDMENT. Section 39-04-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-04. Register of applicants to be kept by the department - Destruction of application. The department shall file each application received, and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the described vehicle and the owner in books or electronic data processing files or on index cards or film as follows:

1. Under a distinctive registration number assigned to the vehicle and its owner, referred to in this chapter as the registration number.
2. Alphabetically under the name of the owner.
3. Numerically by the serial or identification number of the vehicle.
4. In the discretion of the department, in any other manner it may deem desirable.

The application may be destroyed by the department after it is two years old.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 447

SENATE BILL NO. 2140
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE REGISTRATION REFUSAL

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

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

SECTION 1. AMENDMENT. Section 39-04-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-05. Grounds for refusing registration. The department shall refuse registration or any transfer of registration upon any of the following grounds:

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

6. When any sales tax or motor vehicle excise tax, properly due, has not been paid.
7. For failure to maintain security for payment of basic no-fault benefits and the liabilities covered under motor vehicle liability insurance on a motor vehicle as required by chapter 26.1-41.
8. For failure to provide proof of payment of the heavy vehicle use tax due, as required, to the internal revenue service.

The registrar of motor vehicles shall promulgate rules and regulations for refusal of registration of vehicles not equipped as required by chapter 39-21.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 448

HOUSE BILL NO. 1410
(Representatives Opedahl, Rydell)
(Senators Mushik, Holmberg)

COMMEMORATIVE CENTENNIAL LICENSE PLATES

AN ACT to amend and reenact section 1 of chapter 421 of the 1985 Session Laws of North Dakota, relating to the issuance of commemorative centennial license plates; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 1 of chapter 421 of the 1985 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 1. Issuance of commemorative centennial license plates - Temporary authority to use one license plate. The North Dakota centennial commission, created by chapter 583 of the 1983 Session Laws of North Dakota, may issue commemorative centennial license plates for the years 1987, 1988, and 1989. The commission may make an agreement with the motor vehicle registrar for procurement of the commemorative license plates. The commission may sell the commemorative license plates at a price that does not exceed ten dollars each. During 1987, 1988, and 1989, the operator of a motor vehicle, as defined in section 39-01-01, may display a commemorative centennial license plate issued by the centennial commission on the front of that motor vehicle, in lieu of the distinctive license plate assigned under chapter 39-04. A rear license plate issued under chapter 39-04 must still be displayed.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 449

SENATE BILL NO. 2141
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

PENITENTIARY LICENSE PLATE MANUFACTURING

AN ACT to limit the authority of the state penitentiary to acquire license plate manufacturing equipment; and to amend and reenact section 39-04-09 of the North Dakota Century Code, relating to acquisition of license plates from the state penitentiary.

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

SECTION 1. AMENDMENT. Section 39-04-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-09. Registrar may design and issue number plates. The registrar may design and issue plates of distinctly different color for each classification of motor vehicle, and there shall at all times be a marked contrast between the background color of the plates and that of the numerals and letters thereon. License plates must be acquired from the North Dakota state penitentiary if the penitentiary has the facilities to manufacture license plates.

SECTION 2. LIMITATION ON AUTHORITY OF STATE PENITENTIARY TO ACQUIRE LICENSE PLATE MANUFACTURING EQUIPMENT. The state penitentiary may not acquire license plate manufacturing equipment to provide services under section 1 of this Act until the first general issuance of license plates after 1987.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 450

SENATE BILL NO. 2430
(Lashkowitz)

POW LICENSE PLATES

AN ACT to amend and reenact section 39-04-10.5 of the North Dakota Century Code, relating to transfer and retirement of POW number plates.

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

SECTION 1. AMENDMENT. Section 39-04-10.5 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-10.5. Retirement of POW plates - Transfer to certain surviving spouses - Retirement. On the death of a prisoner of war to whom was issued a special number plate under subdivision o of subsection 2 of section 39-04-18, the registrar shall comply with this section. If the deceased prisoner of war was survived by a spouse, the registrar shall transfer the number plate to that spouse's name, and the spouse may retain the number plate as an active plate. If the surviving spouse remarries, then within thirty days of that remarriage, the surviving spouse shall surrender the plate to the registrar. On receipt of a surrendered plate, on the death of the surviving spouse, or if the deceased prisoner of war had no surviving spouse, the registrar shall retire the number used on that the number plate. On retirement of a number plate and at the request of the survivors of the deceased prisoner of war, the registrar shall issue to the survivors one commemorative plaque resembling the number plate that had been issued to the prisoner of war.

Approved April 7, 1987
Filed April 9, 1987

CHAPTER 451

SENATE BILL NO. 2139
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE REGISTRATION DELINQUENCY

AN ACT to amend and reenact section 39-04-15 of the North Dakota Century Code, relating to when motor vehicle registrations become due and delinquent.

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

SECTION 1. AMENDMENT. Section 39-04-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-15. When registration fees become due and delinquent. The registration fee for a motor vehicle shall ~~become~~ becomes due as soon as such the vehicle first is used upon the highways of this state and, ~~except as otherwise provided in this chapter, upon January first in each year thereafter.~~ The annual registration fee shall be paid upon transfer of ownership in the vehicle and in any event on or before February first, and shall be delinquent after February first unless paid. ~~Except as otherwise provided in this chapter, license fees falling due between January second and December thirty-first shall become delinquent upon the expiration of ten days after the same becomes due, except that the registration fee for a passenger motor vehicle shall become due as soon as such vehicle first is used upon the highways of this state and, except as otherwise provided in this chapter, upon April first in each year thereafter.~~ The annual registration fee shall be paid upon transfer of ownership in the vehicle and in any event on or before April first, and shall be delinquent after May first unless paid. ~~Except as otherwise provided in the chapter, license fees falling due between April second and March thirty-first shall become delinquent upon the expiration of ten days after the same becomes due.~~ The registration for a vehicle becomes delinquent immediately upon expiration of the prior registration.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 452

SENATE BILL NO. 2279
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE REGISTRATION EXEMPTIONS

AN ACT to amend and reenact subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to exemptions from motor vehicle registration.

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

SECTION 1. AMENDMENT. Subsection 2 of section 39-04-18 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The following motor vehicles may be operated upon the highways, roads, and streets of this state without being registered, under such limitations as are herein specified; provided, however, that whenever the ~~commissioner~~ department determines that it is to the best interest of the state of North Dakota and determines by reciprocal agreement or otherwise that as great or greater privileges are not granted North Dakota residents while traveling in other states or territories, the ~~commissioner~~ department may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:
 - a. Farm tractors as defined in section 39-01-01, special mobile equipment and road rollers and other road construction or maintenance machinery that cannot be operated on the highways and streets of this state in a normal operating manner.
 - b. Motor vehicles owned by or in possession of Indian mission schools or by this state or any of its agencies, departments, or political subdivisions, including school districts possessing a motor vehicle or vehicles used for driver education instruction; provided, however, that the vehicles shall display license plates provided by the motor vehicle department at actual cost.

Each motor vehicle loaned or furnished by a licensed North Dakota motor vehicle dealer to a school district in North Dakota to be used exclusively for instructing pupils in the driver education and training program conducted by the school district will be assigned an official license plate bearing a decal with the words "driver education" appearing on it. The license plates shall be used only on the motor vehicles furnished by dealers and used in the driver education program, and for no other purpose except for garaging and safekeeping of the motor vehicle.

No person shall use a motor vehicle bearing official license plates bearing a decal with the words "driver education" appearing on it as provided for in this subdivision for any purpose other than driver education course instruction. No person is in violation of this subdivision if he is required by the dealer or a school administrator to house or otherwise protect the vehicle at his home or other facility.

- c. Motor vehicles registered in any other state or territory when coming into this state a distance not exceeding twenty miles [32.19 kilometers]; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state for any purpose and are not gainfully employed or stationed in this state. Nor shall such vehicles be required to pay any other tax, and no registration fee or tax shall be required when such vehicles do not leave the incorporated limits of any city while in the state of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city or contiguous cities and twenty miles [32.19 kilometers] distant therefrom. This section does not prevent trucks from coming into the state such distance as shall be necessary to reach the nearest railway shipping station.
- d. Motor vehicles owned and operated by the United States government, or any foreign government, or any of their agencies or departments; provided, however, that such motor vehicles shall display identification plates.
- e. Passenger motor vehicles registered in any other state or territory; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state for any purpose and are not gainfully employed or stationed in this state.

- f. Motor vehicles owned and operated by a manufacturer of motor vehicles when such motor vehicles are operated or moved such distance as may be authorized by the registrar of motor vehicles from the factory where manufactured or assembled, to a depot or place of shipment, or other point of delivery; provided, however, that such vehicles have displayed in plain sight the name and address of the manufacturer and a written permit from local police authorities.
- g. Motor vehicles owned and operated by a licensed North Dakota motor vehicle dealer from a railway depot, warehouse, salesroom, or place of shipment; provided, however, that such vehicles have displayed in plain sight the name and address of the dealer and a written permit from the local police authorities.
- h. Motor vehicles owned and operated by nonresidents engaged in harvest of agricultural products from July fifteenth through December thirty-first of any one year; provided, however, that such motor vehicles have displayed thereon a decal or other means of identification issued by the registrar of motor vehicles upon payment of a fee of fifty dollars.
- i. ~~Passenger motor~~ Motor vehicles owned and operated by nonresident military personnel stationed in this state, provided such motor vehicle is registered in the state or territory whereof such military person is a resident, and provided further that current license plates from such state or territory are displayed on such motor vehicle.
- j. Passenger motor vehicles or pickup trucks not exceeding ten thousand pounds [4535.92 kilograms] gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 1901]; provided, however, that such vehicles display a distinctive license plate issued by the registrar of motor vehicles department upon the payment of one dollar five dollars. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a disabled veteran; provided, that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time to no more than two such motor vehicles owned by a disabled veteran at any one time.
- k. Motor vehicles having not over two axles and not being used in combination owned and operated by nonresidents and any motor vehicle or combination of three axles or more operated in this state pursuant to a proportional

licensing or other agreement or arrangement with any jurisdiction having motor vehicle registration authority.

1. Motor vehicles owned and operated by the holder of a valid building mover's permit issued by the public service commission, or by a resident well driller; provided, however, that such vehicles are used only for moving buildings or building moving equipment, or on which is mounted well-drilling equipment; provided, further, that such vehicles display a license plate issued by the registrar of motor vehicles upon the payment of a fee of twenty-five dollars for two axle trucks, fifty dollars for single axle truck-tractor units, and seventy-five dollars for each tandem axle truck-tractor unit.

Any vehicle which has been issued this special motor vehicle license may be registered under the regular motor vehicle registration law, by payment of the difference between the amount paid for the special motor vehicle license and the regular registration fee for such vehicle.

Any vehicle which has been issued this special motor vehicle license and is found being operated upon the highways of this state without being equipped with special house-moving or well-drilling equipment, shall forfeit the fee paid and, in addition, shall be required to register under the regular motor vehicle registration law of this state. None of the above limitations shall be construed as restricting the operation of the special licensed vehicle when such operation would not require a greater fee than that paid for this operation.

- m. Any trailer, semitrailer, or farm trailer when the gross weight, not including the weight of the towing vehicle, does not exceed one thousand five hundred pounds [680.39 kilograms] and it is not for hire or commercial use, or when used to transport recreational vehicles or boats and it is not for hire or commercial use.
- n. Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The crossing shall be made at an angle of approximately ninety degrees to the direction of the highway.
- o. Passenger motor vehicles or pickup trucks not exceeding ten thousand pounds [4535.92 kilograms] gross weight owned and operated by a resident who, while serving in the United States armed forces, was a

prisoner of war and has received an honorable discharge from the United States armed forces; provided, however, that the vehicles display a distinctive license plate issued by the registrar of motor vehicles department upon the payment of one dollar five dollars. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a former prisoner of war; provided, that the exemption provided by this subdivision shall be allowed only with respect to one motor vehicle owned by such a former prisoner of war at any one time.

Approved April 4, 1987

Filed April 6, 1987

CHAPTER 453

SENATE BILL NO. 2259
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

VEHICLE REGISTRATION FEES

AN ACT to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to vehicle registration fees; to establish a centennial celebration fee and provide for its collection and distribution; to provide for application of this Act; to provide an effective date; and to provide an expiration date.

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

SECTION 1. AMENDMENT. Section 39-04-19 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the ~~commissioner~~ department, shall pay a fee of twenty dollars for a trip permit which shall be valid for a period of seventy-two hours. All fees collected under the provisions of this subsection shall be credited to the highway construction fund.
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:~~

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, and 4th Years	5th, 6th, and 7th Years	8th, 9th, and 10th Years	11th and Subsequent Years	
Less than 3,200	\$ 44.00	\$ 36.00	\$ 28.00	\$ 20.00	
3,200-4,499	64.00	52.00	40.00	28.00	
4,500-4,999	82.00	65.00	50.00	34.00	
5,000-5,999	113.00	91.00	69.00	47.00	
6,000-6,999	146.00	117.00	88.00	60.00	
7,000-7,999	179.00	143.00	108.00	73.00	
8,000-8,999	212.00	170.00	128.00	86.00	
9,000 and over	245.00	196.00	148.00	99.00	

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, and 5th Years	6th, 7th, and 8th Years	9th, 10th, and 11th Years	12th and Subsequent Years	
Less than 3,200	\$ 47.75	\$ 39.75	\$ 31.75	\$ 23.75	
3,200-4,499	67.75	55.75	43.75	31.75	
4,500-4,999	85.75	68.75	53.75	37.75	
5,000-5,999	116.75	94.75	72.75	50.75	
6,000-6,999	149.75	120.75	91.75	63.75	
7,000-7,999	182.75	146.75	111.75	76.75	
8,000-8,999	215.75	173.75	131.75	89.75	
9,000 and over	248.75	199.75	151.75	102.75	

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

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

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years	
Net ever 4,000	\$42.00	\$29.00	\$24.00	\$21.00	
4,001- 6,000	47.00	34.00	28.00	22.00	
6,001- 8,000	52.00	39.00	32.00	23.00	
8,001-10,000	57.00	44.00	36.00	25.00	
10,001-12,000	62.00	49.00	40.00	27.00	
12,001-14,000	67.00	54.00	44.00	30.00	
14,001-16,000	72.00	59.00	48.00	33.00	
16,001-18,000	77.00	64.00	52.00	35.00	

18,001-20,000 Gross Weights Not over	80.00	67.00	54.00	36.00
	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th	6th and 7th	8th and 9th	10th and Subsequent
	Years	Years	Years	Years
4,001- 6,000	\$45.75	\$32.75	\$27.75	\$24.75
6,001- 8,000	50.75	37.75	31.75	25.75
8,001-10,000	55.75	42.75	35.75	26.75
10,001-12,000	60.75	47.75	39.75	28.75
12,001-14,000	65.75	52.75	43.75	30.75
14,001-16,000	70.75	57.75	47.75	33.75
16,001-18,000	75.75	62.75	51.75	36.75
18,001-20,000	80.75	67.75	55.75	38.75
	83.75	70.75	57.75	39.75

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, and 5th	6th, 7th, 8th, 9th, and 10th	11th and Subsequent	
	Years	Years	Years	
20,001- 22,000	\$ 110.00	\$ 84.00	\$ 71.00	
22,001- 26,000	162.00	132.00	116.00	
26,001- 30,000	223.00	181.00	159.00	
30,001- 34,000	289.00	234.00	206.00	
34,001- 38,000	350.00	283.00	249.00	
38,001- 42,000	411.00	332.00	291.00	
42,001- 46,000	472.00	380.00	334.00	
46,001- 50,000	533.00	429.00	377.00	
50,001- 54,000	603.00	487.00	428.00	
54,001- 58,000	664.00	536.00	471.00	
58,001- 62,000	725.00	585.00	514.00	
62,001- 66,000	786.00	633.00	557.00	
66,001- 70,000	847.00	682.00	599.00	
70,001- 74,000	908.00	731.00	642.00	
74,001- 78,000	969.00	780.00	685.00	
78,001- 82,000	1,030.00	829.00	728.00	
82,001- 86,000	1,153.00	934.00	815.00	
86,001- 90,000	1,275.00	1,038.00	902.00	
90,001- 94,000	1,397.00	1,143.00	989.00	
94,001- 98,000	1,519.00	1,248.00	1,077.00	
98,001-102,000	1,641.00	1,352.00	1,164.00	
102,001-105,500	1,763.00	1,457.00	1,251.00	

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th	7th, 8th, 9th, 10th, and 11th	12th and Subsequent	
	Years	Years	Years	
20,001- 22,000	\$ 113.75	\$ 87.75	\$ 74.75	
22,001- 26,000	165.75	135.75	119.75	
26,001- 30,000	226.75	184.75	162.75	
30,001- 34,000	292.75	237.75	209.75	
34,001- 38,000	353.75	286.75	252.75	
38,001- 42,000	414.75	335.75	294.75	
42,001- 46,000	475.75	383.75	337.75	
46,001- 50,000	536.75	432.75	380.75	

50,001- 54,000	606.75	490.75	431.75
54,001- 58,000	667.75	539.75	474.75
58,001- 62,000	728.75	588.75	517.75
62,001- 66,000	789.75	636.75	560.75
66,001- 70,000	850.75	685.75	602.75
70,001- 74,000	911.75	734.75	645.75
74,001- 78,000	972.75	783.75	688.75
78,001- 82,000	1,033.75	832.75	731.75
82,001- 86,000	1,156.75	937.75	818.75
86,001- 90,000	1,278.75	1,041.75	905.75
90,001- 94,000	1,400.75	1,146.75	992.75
94,001- 98,000	1,522.75	1,251.75	1,080.75
98,001-102,000	1,644.75	1,355.75	1,167.75
102,001-105,500	1,766.75	1,460.75	1,254.75

c. Motorcycles, ~~ten~~ thirteen dollars and seventy-five cents.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 1901] shall be exempt from the payment of state sales or use tax and, if paid, such veterans shall be entitled to a refund. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a disabled veteran; provided, that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter shall be furnished registration plates upon the payment of a fifteen dollar annual fee of eighteen dollars and seventy-five cents. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter shall be furnished an identification plate upon the payment of a fee of five dollars.
5. Trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local

trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire.

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, and 4th Years	2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years
20,001-22,000	\$ 83.00		\$ 69.00	\$ 55.00	\$ 37.00
22,001-24,000	88.00		73.00	58.00	39.00
24,001-26,000	96.00		79.00	62.00	41.00
26,001-28,000	106.00		87.00	68.00	45.00
28,001-30,000	116.00		95.00	74.00	49.00
30,001-32,000	131.00		108.00	85.00	58.00
32,001-34,000	141.00		116.00	91.00	62.00
34,001-36,000	151.00		124.00	97.00	66.00
36,001-38,000	161.00		132.00	103.00	70.00
38,001-40,000	171.00		140.00	109.00	74.00
40,001-42,000	181.00		148.00	115.00	78.00
42,001-44,000	191.00		156.00	121.00	82.00
44,001-46,000	201.00		164.00	127.00	86.00
46,001-48,000	211.00		172.00	133.00	90.00
48,001-50,000	221.00		180.00	139.00	94.00
50,001-52,000	241.00		198.00	155.00	108.00
52,001-54,000	251.00		206.00	161.00	112.00
54,001-56,000	261.00		214.00	167.00	116.00
56,001-58,000	271.00		222.00	173.00	120.00
58,001-60,000	281.00		230.00	179.00	124.00
60,001-62,000	291.00		238.00	185.00	128.00
62,001-64,000	301.00		246.00	191.00	132.00
64,001-66,000	311.00		254.00	197.00	136.00
66,001-68,000	321.00		262.00	203.00	140.00
68,001-70,000	331.00		270.00	209.00	144.00
70,001-72,000	341.00		278.00	215.00	148.00
72,001-74,000	351.00		286.00	221.00	152.00
74,001-76,000	361.00		294.00	227.00	156.00
76,001-78,000	371.00		302.00	233.00	160.00
78,001-80,000	381.00		310.00	239.00	164.00
80,001-82,000	391.00		318.00	245.00	168.00

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and 10th and Subsequent Years
20,001-22,000	\$ 86.75	\$ 72.75	\$ 58.75	\$ 40.75
22,001-24,000	91.75	76.75	61.75	42.75
24,001-26,000	99.75	82.75	65.75	44.75
26,001-28,000	109.75	90.75	71.75	48.75
28,001-30,000	119.75	98.75	77.75	52.75
30,001-32,000	134.75	111.75	88.75	61.75
32,001-34,000	144.75	119.75	94.75	65.75
34,001-36,000	154.75	127.75	100.75	69.75
36,001-38,000	164.75	135.75	106.75	73.75
38,001-40,000	174.75	143.75	112.75	77.75
40,001-42,000	184.75	151.75	118.75	81.75

42,001-44,000	194.75	159.75	124.75	85.75
44,001-46,000	204.75	167.75	130.75	89.75
46,001-48,000	214.75	175.75	136.75	93.75
48,001-50,000	224.75	183.75	142.75	97.75
50,001-52,000	244.75	201.75	158.75	111.75
52,001-54,000	254.75	209.75	164.75	115.75
54,001-56,000	264.75	217.75	170.75	119.75
56,001-58,000	274.75	225.75	176.75	123.75
58,001-60,000	284.75	233.75	182.75	127.75
60,001-62,000	294.75	241.75	188.75	131.75
62,001-64,000	304.75	249.75	194.75	135.75
64,001-66,000	314.75	257.75	200.75	139.75
66,001-68,000	324.75	265.75	206.75	143.75
68,001-70,000	334.75	273.75	212.75	147.75
70,001-72,000	344.75	281.75	218.75	151.75
72,001-74,000	354.75	289.75	224.75	155.75
74,001-76,000	364.75	297.75	230.75	159.75
76,001-78,000	374.75	305.75	236.75	163.75
78,001-80,000	384.75	313.75	242.75	167.75
80,001-82,000	394.75	321.75	248.75	171.75

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

SECTION 2. AMENDMENT. Section 39-04-19 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the ~~commissioner~~ department, shall pay a fee of twenty dollars for a trip permit which shall be valid for a period of seventy-two hours. All fees collected under the provisions of this subsection shall be credited to the highway construction fund.
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, 3rd, and 4th Years	5th, 6th, and 7th Years	8th, 9th, and 10th Years	11th and Subsequent Years
Less than 3,200	\$ 44.00	\$ 36.00	\$ 28.00	\$20.00
3,200-4,499	64.00	52.00	40.00	28.00
4,500-4,999	82.00	65.00	50.00	34.00
5,000-5,999	113.00	91.00	69.00	47.00
6,000-6,999	146.00	117.00	88.00	60.00
7,000-7,999	179.00	143.00	108.00	73.00
8,000-8,999	212.00	170.00	128.00	86.00
9,000 and over	245.00	196.00	148.00	99.00

YEARS REGISTERED

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

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

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

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years
Net over 4,000	\$42.00	\$29.00	\$24.00	\$21.00
4,001- 6,000	47.00	34.00	28.00	22.00
6,001- 8,000	52.00	39.00	32.00	23.00
8,001-10,000	57.00	44.00	36.00	25.00
10,001-12,000	62.00	49.00	40.00	27.00
12,001-14,000	67.00	54.00	44.00	30.00
14,001-16,000	72.00	59.00	48.00	33.00
16,001-18,000	77.00	64.00	52.00	35.00
18,001-20,000	80.00	67.00	54.00	36.00

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

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, and 5th Years	6th, 7th, 8th, 9th, and 10th Years	11th and Subsequent Years		
20,001- 22,000	\$ 110.00	\$ 84.00	\$ 71.00		
22,001- 26,000	162.00	132.00	116.00		
26,001- 30,000	223.00	181.00	159.00		
30,001- 34,000	289.00	234.00	206.00		
34,001- 38,000	350.00	283.00	249.00		
38,001- 42,000	411.00	332.00	291.00		
42,001- 46,000	472.00	380.00	334.00		
46,001- 50,000	533.00	429.00	377.00		
50,001- 54,000	603.00	487.00	428.00		
54,001- 58,000	664.00	536.00	471.00		
58,001- 62,000	725.00	585.00	514.00		
62,001- 66,000	786.00	633.00	557.00		
66,001- 70,000	847.00	682.00	599.00		
70,001- 74,000	908.00	731.00	642.00		
74,001- 78,000	969.00	780.00	685.00		
78,001- 82,000	1,030.00	829.00	728.00		
82,001- 86,000	1,153.00	934.00	815.00		
86,001- 90,000	1,275.00	1,038.00	902.00		
90,001- 94,000	1,397.00	1,143.00	989.00		
94,001- 98,000	1,519.00	1,248.00	1,077.00		
98,001-102,000	1,641.00	1,352.00	1,164.00		
102,001-105,500	1,763.00	1,457.00	1,251.00		

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, 9th, 10th, and 11th Years	12th and Subsequent Years
20,001- 22,000	\$ 115.00	\$ 89.00	\$ 76.00
22,001- 26,000	167.00	137.00	121.00
26,001- 30,000	228.00	186.00	164.00
30,001- 34,000	294.00	239.00	211.00
34,001- 38,000	355.00	288.00	254.00
38,001- 42,000	416.00	337.00	296.00
42,001- 46,000	477.00	385.00	339.00
46,001- 50,000	538.00	434.00	382.00
50,001- 54,000	608.00	492.00	433.00

54,001- 58,000	669.00	541.00	476.00
58,001- 62,000	730.00	590.00	519.00
62,001- 66,000	791.00	638.00	562.00
66,001- 70,000	852.00	687.00	604.00
70,001- 74,000	913.00	736.00	647.00
74,001- 78,000	974.00	785.00	690.00
78,001- 82,000	1,035.00	834.00	733.00
82,001- 86,000	1,158.00	939.00	820.00
86,001- 90,000	1,280.00	1,043.00	907.00
90,001- 94,000	1,402.00	1,148.00	994.00
94,001- 98,000	1,524.00	1,253.00	1,082.00
98,001-102,000	1,646.00	1,357.00	1,169.00
102,001-105,500	1,768.00	1,462.00	1,256.00

c. Motorcycles, ~~ten~~ fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 1901] shall be exempt from the payment of state sales or use tax and, if paid, such veterans shall be entitled to a refund. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a disabled veteran, provided, that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter shall be furnished registration plates upon the payment of a ~~fifteen~~ twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter shall be furnished an identification plate upon the payment of a fee of five dollars.
5. Trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years
20,001-22,000	\$ 83.00	\$ 69.00	\$ 55.00	\$ 37.00
22,001-24,000	88.00	73.00	58.00	39.00
24,001-26,000	96.00	79.00	62.00	41.00
26,001-28,000	106.00	87.00	68.00	45.00
28,001-30,000	116.00	95.00	74.00	49.00
30,001-32,000	131.00	108.00	85.00	58.00
32,001-34,000	141.00	116.00	91.00	62.00
34,001-36,000	151.00	124.00	97.00	66.00
36,001-38,000	161.00	132.00	103.00	70.00
38,001-40,000	171.00	140.00	109.00	74.00
40,001-42,000	181.00	148.00	115.00	78.00
42,001-44,000	191.00	156.00	121.00	82.00
44,001-46,000	201.00	164.00	127.00	86.00
46,001-48,000	211.00	172.00	133.00	90.00
48,001-50,000	221.00	180.00	139.00	94.00
50,001-52,000	241.00	198.00	155.00	108.00
52,001-54,000	251.00	206.00	161.00	112.00
54,001-56,000	261.00	214.00	167.00	116.00
56,001-58,000	271.00	222.00	173.00	120.00
58,001-60,000	281.00	230.00	179.00	124.00
60,001-62,000	291.00	238.00	185.00	128.00
62,001-64,000	301.00	246.00	191.00	132.00
64,001-66,000	311.00	254.00	197.00	136.00
66,001-68,000	321.00	262.00	203.00	140.00
68,001-70,000	331.00	270.00	209.00	144.00
70,001-72,000	341.00	278.00	215.00	148.00
72,001-74,000	351.00	286.00	221.00	152.00
74,001-76,000	361.00	294.00	227.00	156.00
76,001-78,000	371.00	302.00	233.00	160.00
78,001-80,000	381.00	310.00	239.00	164.00
80,001-82,000	391.00	318.00	245.00	168.00

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
20,001-22,000	\$ 88.00	\$ 74.00	\$ 60.00	\$ 42.00
22,001-24,000	93.00	78.00	63.00	44.00
24,001-26,000	101.00	84.00	67.00	46.00
26,001-28,000	111.00	92.00	73.00	50.00
28,001-30,000	121.00	100.00	79.00	54.00
30,001-32,000	136.00	113.00	90.00	63.00
32,001-34,000	146.00	121.00	96.00	67.00
34,001-36,000	156.00	129.00	102.00	71.00
36,001-38,000	166.00	137.00	108.00	75.00
38,001-40,000	176.00	145.00	114.00	79.00
40,001-42,000	186.00	153.00	120.00	83.00
42,001-44,000	196.00	161.00	126.00	87.00
44,001-46,000	206.00	169.00	132.00	91.00
46,001-48,000	216.00	177.00	138.00	95.00
48,001-50,000	226.00	185.00	144.00	99.00

50,001-52,000	246.00	203.00	160.00	113.00
52,001-54,000	256.00	211.00	166.00	117.00
54,001-56,000	266.00	219.00	172.00	121.00
56,001-58,000	276.00	227.00	178.00	125.00
58,001-60,000	286.00	235.00	184.00	129.00
60,001-62,000	296.00	243.00	190.00	133.00
62,001-64,000	306.00	251.00	196.00	137.00
64,001-66,000	316.00	259.00	202.00	141.00
66,001-68,000	326.00	267.00	208.00	145.00
68,001-70,000	336.00	275.00	214.00	149.00
70,001-72,000	346.00	283.00	220.00	153.00
72,001-74,000	356.00	291.00	226.00	157.00
74,001-76,000	366.00	299.00	232.00	161.00
76,001-78,000	376.00	307.00	238.00	165.00
78,001-80,000	386.00	315.00	244.00	169.00
80,001-82,000	396.00	323.00	250.00	173.00

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

SECTION 3. CENTENNIAL CELEBRATION FEE - COLLECTION. A centennial celebration fee is imposed on every vehicle subject to registration under section 39-04-19. The fee is one dollar and twenty-five cents per vehicle. The fee is payable when the registration fee under section 39-04-19 is payable. Each month the registrar of motor vehicles shall transfer to the centennial commission the centennial celebration fee collected in accordance with this Act. The centennial commission shall place the fees in the centennial commission revolving fund.

SECTION 4. APPLICATION OF ACT. Section 1 of this Act applies to vehicle registration periods beginning after December 31, 1987, and before January 1, 1989. Section 2 of this Act applies to vehicle registration periods beginning after December 31, 1988. A vehicle registration period begins on the first day of the month in which the vehicle becomes subject to registration in this state.

SECTION 5. EFFECTIVE DATE - EXPIRATION DATE. Sections 1 and 3 of this Act are effective through December 31, 1988, and after that date are ineffective. Section 2 of this Act becomes effective on January 1, 1989.

Approved April 21, 1987

Filed April 22, 1987

CHAPTER 454

SENATE BILL NO. 2260
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

VEHICLE TRANSPORTER'S LICENSE

AN ACT to amend and reenact section 39-04-44.1 of the North Dakota Century Code, relating to a vehicle transporter's license.

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

SECTION 1. AMENDMENT. Section 39-04-44.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-44.1. Transportation certificate and in-transit plate transporter's license and registration card. A vehicle otherwise properly registered may be used for transporting other vehicles not registered provided that the transporting transported vehicle have has displayed a distinctive certificate which shall be available from the registrar of motor vehicles upon payment of an annual fee of fifty dollars and provided further that each transported vehicle have displayed thereon a distinctive in-transit plate, which shall be transferable, which shall be available from the registrar upon payment of fifteen dollars for each such annual in-transit plate transporter's license plate and the transporting vehicle carries a transporter's registration card. The fee for the transporter's license plate and registration card is sixty-five dollars per year.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 455

SENATE BILL NO. 2200
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

PROOF OF MOTOR VEHICLE OWNERSHIP

AN ACT to amend and reenact subsection 1 of section 39-05-20 of the North Dakota Century Code, relating to obtaining certificate of title to a vehicle upon inability to obtain old certificate.

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

SECTION 1. AMENDMENT. Subsection 1 of section 39-05-20 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. When the transferee of a vehicle is unable to obtain a properly assigned certificate of title for a vehicle, and makes application for a new certificate and presents satisfactory proof of ownership, the department may cancel the old certificate and issue a new certificate to the transferee. The department may establish procedures for determining satisfactory proof of ownership of a vehicle in those cases where the department is unable to determine the legal owner of record. Any person aggrieved by a decision of the department as to ownership of a vehicle may appeal that decision to the district court under chapter 28-32.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 456

HOUSE BILL NO. 1393
(Moore)

SALVAGE CERTIFICATES OF TITLE

AN ACT to amend and reenact sections 39-05-20.1 and 39-05-20.2 of the North Dakota Century Code, relating to issuance and contents of motor vehicle salvage certificates of title.

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

SECTION 1. AMENDMENT. Section 39-05-20.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-20.1. Salvage certificate of title. The department shall issue a salvage certificate of title for a salvaged or destroyed vehicle when the owner of the vehicle has returned the certificate of title for the vehicle to the department. The department shall prescribe the form and content of the salvage certificate of title. The certificate must include a prominent notation that it has been issued for a salvaged motor vehicle.

SECTION 2. AMENDMENT. Section 39-05-20.2 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-20.2. Issuance of salvage certificate of title. Any person or organization who completely destroys or completely dismantles a vehicle so as to cause that vehicle to lose its identity shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title.

If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The application shall be accompanied by a certificate of inspection in the form and with the contents specified by the department, surrender of the salvage certificate of title, and the payment of a five dollar fee. The department may not issue a new certificate unless the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or unless other proof of the identity of the vehicle has been provided to the satisfaction of the department.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 457

SENATE BILL NO. 2093
(Wright)

OPERATOR'S LICENSE FEES

AN ACT to amend and reenact subsections 1 and 9 of section 39-06-03.1, subsection 1 of section 39-06-14, and section 39-06-19 of the North Dakota Century Code, relating to nondriver photo identification cards and motor vehicle operator's licenses.

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

* SECTION 1. AMENDMENT. Subsections 1 and 9 of section 39-06-03.1 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The commissioner shall issue upon request a nondriver color photo identification card to any person, of the age of ~~sixteen~~ fourteen years or over, fulfilling the requirements of this section. If the person is under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license of an operator under the age of twenty-one years.
9. A duplicate card may be obtained by making an application and paying a ~~three~~ an eight dollar fee. For a cardholder who has reached the age of twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.

** SECTION 2. AMENDMENT. Subsection 1 of section 39-06-14 of the 1985 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~~ a ten 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

* NOTE: Subsections 1 and 9 of section 39-06-03.1 were also amended by section 2 of Senate Bill No. 2270, chapter 440.

** NOTE: Section 39-06-14 was also amended by section 4 of Senate Bill No. 2270, chapter 440.

licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write ~~his~~ the licensee's usual signature. If the licensee is under the age of twenty-one, the photograph must be against a color background that is different from the color used for other licensees. If requested on the license application, the license issued by the commissioner shall identify the licensee as a donor under the provisions of chapter 23-06.1. No license shall be is valid until it has been ~~so~~ signed by the licensee with the licensee's usual signature. For purposes of verification, an officer may require the licensee to write ~~his~~ the licensee's signature in the presence of such officer. The commissioner shall have the authority to promulgate may adopt 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.

* SECTION 3. AMENDMENT. Section 39-06-19 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-19. Expiration of license - Renewal. Every operator's license issued under this chapter shall expire and be renewed according to this section. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an odd numeral shall be is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an even numeral shall be is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. Application If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license. In all other cases, application with fee for renewal of license shall be presented to the commissioner not prior to ten months before the expiration date of the operator's license. The commissioner may require an examination of an applicant as upon an original application. Every application for renewal of a license by an applicant shall be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. The commissioner shall provide visual examination equipment at each location where a license may be renewed. An application for a motor vehicle operator's license from an applicant applying for first license under the age of twenty-one may be accompanied by a certificate of examination from a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant, in lieu of the eye examination conducted by the driver licensing authorities. No certificate of examination shall be dated more than six months prior to the date of the driver license

* NOTE: Section 39-06-19 was also amended by section 6 of Senate Bill No. 2270, chapter 440.

application. Every person submitting application and fee for renewal of license one year or more after expiration of license, except an applicant whose military, or merchant marine service has terminated less than ~~sixty~~ thirty days prior to such application, shall be treated as a new driver and subject to the examination as upon an original application. The fee for every renewal or replacement of an operator's license shall be eight is ten dollars.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 458

HOUSE BILL NO. 1228
(Committee on Transportation)
(At the request of the Highway Department)

DRIVER'S LICENSE REQUIREMENTS

AN ACT to create and enact a new subsection to section 39-06-32 and two new subsections to section 39-06-40 of the North Dakota Century Code, relating to operator's license suspensions and the unlawful use of an operator's license, permit, or nondriver photo identification card and the revoking of the operator's license, permit, or nondriver photo identification card; and to amend and reenact subsection 5 of section 39-06-03.1, sections 39-06-04, 39-06-05, 39-06-06, 39-06-07.1, 39-06-10, subsection 3 of section 39-06-17, section 39-06-24, subsection 3 of section 39-06-32, subsection 2 of section 39-06-37, sections 39-06-38, 39-06-40, and subsections 1, 2, and 4 of section 39-06-40.1 of the North Dakota Century Code, relating to the use of nondriver photo identification cards, operator permits and license applications, financial responsibility of minors, restriction or cancellation of operators' licenses, fraudulent or unlawful use of an operator's license, surrender and return of an operator's license, foreign operators' licenses, and reproducing an operator's license, permit, or personal identification card.

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

SECTION 1. AMENDMENT. Subsection 5 of section 39-06-03.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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.~~

SECTION 2. 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 who is at least fourteen years of age 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~~ one year 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. A person who is not yet eighteen years of age is not eligible for a license under this chapter until that person has had an instruction permit issued under this chapter for at least three months.

SECTION 3. AMENDMENT. Section 39-06-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-05. Restricted instruction permit - When instruction permit not required.

1. The commissioner upon receiving proper application may in his discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is at least fourteen years of age and enrolled in a commercial driver training course which includes practice driving and which is approved by the superintendent of the highway patrol pursuant to chapter 39-25 even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such a permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.
2. Any student who is enrolled in behind-the-wheel driver's training through a high school program approved by the superintendent of public instruction may operate a motor vehicle, under the supervision of a driver training instructor certified by the superintendent of public

instruction, without a permit or license to operate a motor vehicle; provided, that the school district sponsoring the driver's training program has an insurance policy covering any damage which may be done by any such student while operating the vehicle, and provided further that proof of coverage is filed with the superintendent of public instruction by the school district's insurance carrier. The amount of the insurance coverage must be in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, in the amount of twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident the amount required under section 39-16.1-02.

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

39-06-06. Temporary driver's operator's permit. The commissioner may ~~in his discretion~~ issue a temporary driver's operator's permit for the operation of a motor vehicle to an applicant for an operator's license ~~permitting him to operate a motor vehicle while the commissioner is completing his pending an~~ investigation and determination of all facts relative to ~~such the~~ applicant's right to receive an operator's license. ~~Such~~ The permit must be in ~~his the applicant's~~ immediate possession while operating a motor vehicle, and ~~it shall be is~~ invalid when the applicant's license has been issued or ~~for good cause has been refused denied.~~

SECTION 5. AMENDMENT. Section 39-06-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-07.1. Proof of name and date of birth for operator's license application. 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:

1. Birth certificate; or
2. Any other documentary evidence which confirms to the satisfaction of the ~~examining officer~~ commissioner the true identity and date of birth of the applicant.

SECTION 6. AMENDMENT. Section 39-06-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-10. Liability for negligence of minor - Proof of financial responsibility. ~~In the event~~ If a minor deposits or there is deposited ~~upon his behalf for the minor~~ proof of financial responsibility ~~in respect to~~ for the operation of a motor vehicle owned by ~~him the~~

minor, or if not the owner of a motor vehicle, then with respect to for the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the commissioner may accept the application of such the minor.

SECTION 7. AMENDMENT. Subsection 3 of section 39-06-17 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A restricted operator's license or permit to operate his the parent's or guardian's automobile, or any other an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of his the parent or guardian. No driver's operator's license shall be issued until the child, accompanied by his the parent or guardian, shall appear appears in person and satisfy satisfies the examining officer commissioner that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive his the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the commissioner; or, in the alternative, has successfully completed a course at an approved commercial driver training school.

The parent or guardian, at all times shall be responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection shall do not authorize the child to drive a motorcycle, commercial truck, motorbus, or taxicab, or a truck having a gross weight in excess of fifty thousand pounds or greater.

SECTION 8. AMENDMENT. Section 39-06-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-24. Authority to cancel ~~license~~ license. The commissioner may cancel any operator's license ~~or,~~ permit, or nondriver photo identification card upon determining that the ~~licensee~~ person is not entitled to the issuance of a ~~license~~ the document under the laws of this state or that said ~~licensee~~ person failed to give the required or correct information on his the application or ~~committed any fraud~~

in making such application or the fee was in the form of an insufficient fund or no-account check. Upon such cancellation, the licensee must surrender the license or permit so canceled to the commissioner. The making of a false statement in any application for an operator's license, permit, or nondriver photo identification card, concerning the applicant's age or the prior loss of driving privileges through a cancellation, suspension, revocation, or similar sanction in any state, is grounds for the commissioner to cancel any document or privilege issued on the basis of the application.

SECTION 9. AMENDMENT. Subsection 3 of section 39-06-32 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Unlawful or fraudulent use of his an operator's license.

SECTION 10. A new subsection to section 39-06-32 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Conviction of an offense under this title and it appears from the commissioner's records that the offense contributed to causing an accident which resulted in death or serious personal injury or serious property damage. No suspension may be imposed if the person has been sanctioned for the same offense under section 39-06-31.

*** SECTION 11. AMENDMENT.** Subsection 2 of section 39-06-37 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If any person fails immediately to return to the commissioner any license or permit which has been canceled, suspended, or revoked, the order of the commissioner shall authorize any highway patrolman or peace officer or the commissioner's designated agent to secure possession thereof and return the same to the commissioner. A suspension, revocation, or cancellation ordered under this title shall be deemed to have commenced when the order is delivered to the licensee at his the address of record in the department pursuant to section 39-06-20. Constructive delivery under this section shall be considered as occurring forty-eight hours after the order is mailed to the person by regular mail.

SECTION 12. AMENDMENT. Section 39-06-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-38. No operation under foreign license during suspension or revocation in this state. Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a

*** NOTE:** Section 39-06-37 was also amended by section 1 of House Bill No. 1173, chapter 462.

license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this title.

SECTION 13. AMENDMENT. Section 39-06-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-40. Unlawful use of license - Penalty. It is a class B misdemeanor for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license, permit, or nondriver photo identification card;
2. To lend his one's operator's or chauffeur's license, permit, or nondriver photo identification card to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license, permit, or nondriver identification card not issued to him that person;
4. To fail or refuse to surrender to the commissioner upon his lawful demand any operator's or chauffeur's license, permit, or nondriver photo identification card which has been suspended, revoked, or canceled; or
5. To permit any unlawful use of an operator's or chauffeur's license, permit, or nondriver photo identification card issued to him that person.

SECTION 14. Two new subsections to section 39-06-40 of the North Dakota Century Code are hereby created and enacted to read as follows:

To use a false or fictitious name in any application for an operator's license, permit, or nondriver photo identification card or to knowingly make a false statement or to conceal a material fact or otherwise commit a fraud in the application.

The commissioner upon receiving a record of conviction or other satisfactory evidence of the violation of this section shall immediately revoke the person's operator's license, driving privileges, permit, or nondriver photo identification card. The period of revocation is at the discretion of the commissioner, not to exceed six months.

SECTION 15. AMENDMENT. Subsections 1, 2, and 4 of section 39-06-40.1 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. It ~~shall be~~ is unlawful for any person to print, photograph, photostat, duplicate, alter, or in any way reproduce any operator's ~~or driver's~~ license ~~or~~ permit, nondriver photo identification card or facsimile thereof, or to print, photograph, photostat, duplicate, alter, or in any way reproduce any document used in the production of any operator's or driver's license or permit or facsimile thereof, in such a manner that it would be mistaken for a valid license or document containing valid information, or to display or have in ~~his~~ possession any such print, photograph, photostat, duplicate, reproduction, or facsimile unless authorized by ~~the provisions of the North Dakota law.~~
2. It ~~shall also be~~ is unlawful for any person to alter in any manner any operator's ~~or driver's~~ license ~~or~~ permit, nondriver photo identification card or to display or have in ~~his~~ possession any altered operator's or driver's license or permit such document.
4. The commissioner upon receiving a record of ~~the~~ conviction or other satisfactory evidence of the violation of this section shall immediately revoke ~~forthwith~~ the operator's ~~or driver's~~ license ~~or~~ driving privileges, or permit of such the person. In like manner, a nondriver photo identification card shall be canceled. The period of revocation shall be determined at the discretion of the commissioner, not to exceed six months.

Approved April 14, 1987
Filed April 15, 1987

CHAPTER 459

HOUSE BILL NO. 1162
(Committee on Transportation)
(At the request of the Highway Department)

EXAMINATION FOR OPERATOR'S LICENSES

AN ACT to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to the agency in charge of the examination of applicants for operator's licenses; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 39-06-13 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-13. Examination of applicants. The ~~highway patrol~~ commissioner 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. The ~~highway patrol~~ commissioner 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. After three unsuccessful attempts to pass, within any six-month period, all parts of any license examination required to be taken pursuant to this chapter, no person shall be allowed to make another attempt to pass any unsuccessfully attempted parts of the license examination within four months of the last unsuccessful attempt.

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

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 460

SENATE BILL NO. 2468
(Senators Redlin, Olson, Wright)
(Representatives J. DeMers, Kelly, Moore)

DUI OFFENSES

AN ACT to create and enact a new section to chapter 39-20 of the North Dakota Century Code, relating to death or serious bodily injury caused by a driver under the influence of intoxicating liquor or a controlled substance; and to amend and reenact sections 39-06-31, 39-06.1-05, subdivision a of subsection 3.1 of section 39-06.1-10, sections 39-07-08, 39-07-11 or in the alternative to amend and reenact section 39-07-11 as amended by section 2 of House Bill No. 1323, as approved by the fiftieth legislative assembly, 39-08-01, 39-08-01.2, 39-20-01, subsection 3 of section 39-20-03.1, subsection 3 of section 39-20-03.2, sections 39-20-04, 39-20-06, and 54-38-05 of the North Dakota Century Code, relating to law enforcement, judicial, and administrative procedures, sanctions, and penalties for driving or being in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance; to repeal section 39-06-33.1 of the North Dakota Century Code, relating to the suspension of a driver's license for causing injury or death; and to provide a penalty.

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

SECTION 1. AMENDMENT. Section 39-06-31 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-31. Mandatory revocation of licenses. The commissioner shall revoke forthwith, for a period of one year, or for such period as may be recommended by the trial court, the license of any operator upon receiving a record of such operator's conviction of any of the following offenses:

1. Manslaughter or negligent homicide resulting from operation of a motor vehicle.
- 2- Any felony, including a violation of chapter 12.1-16, in the commission of which a motor vehicle is used.

2. Any misdemeanor resulting from the operation of a motor vehicle and causing serious bodily injury, as defined in section 12.1-01-04, to another person.
3. The making of a false affidavit or statement under oath to the commissioner under this chapter or under any other law relating to the ownership or operation of motor vehicles.
4. ~~Any offense classified as a felony which is a violation of section 39-08-01-2.~~

The revocation of the license under this ~~subsection~~ section may be beyond any time of imprisonment or court-ordered inpatient addiction treatment.

SECTION 2. AMENDMENT. Section 39-06.1-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-05. Offenses excepted. The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. ~~Repealed by S.L. 1975, ch. 339, § 11.~~
3. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
4. ~~Negligent homicide in violation of section 12.1-16-03.~~
5. 3. Manslaughter A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
6. 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
7. 5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
8. 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
9. ~~Repealed by S.L. 1977, ch. 354, § 4.~~
10. 7. Operating a modified motor vehicle in violation of section 39-21-45.1.

~~11-~~ 8. Driving without liability insurance in violation of section 39-08-20.

SECTION 3. AMENDMENT. Subdivision a of subsection 3.1 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. If the commissioner is informed by a court that a person has been convicted of violating section 39-08-01 or equivalent ordinance, the commissioner, subject to the offender's opportunity for hearing under subsection 1, may not restore the operator's license to the offender until the offender furnishes to the commissioner the written statement of the counselor or instructor of an appropriate licensed addiction treatment program that the offender does not require a either an education or treatment program or that the offender has physically attended the prescribed ~~treatment~~ program and has complied with the attendance rules. The commissioner shall send notice to the offender informing the offender of the provisions of this subsection.

SECTION 4. AMENDMENT. Section 39-07-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-08. Hearing - Time - Promise of defendant to appear - Failure to appear - Penalty. The time to be specified in the summons or notice provided for in section 39-07-07 ~~shall~~ must be within ten days after the issuance of ~~such the~~ summons or notice unless the person halted shall demand an earlier hearing, and, if the person halted desires, ~~he the person~~ may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four hours. ~~Such~~ The hearing ~~shall~~ must be before a magistrate of the city or county in which the offense was committed. Upon the receipt from the person halted of a written promise to appear at the time and place mentioned in the summons or notice, ~~such the~~ officer shall release ~~him the person~~ from custody. Any person refusing to give ~~such a~~ written promise to appear ~~shall~~ must be taken immediately by the halting officer before the nearest or most accessible magistrate, or to such other place or before such other person as may be provided by a statute or ordinance authorizing the giving of bail. Any person willfully violating ~~his the person's~~ written promise to appear ~~shall be is~~ guilty of a class B misdemeanor, regardless of the disposition of the charge upon which ~~he the person~~ originally was halted. The time limitations for a hearing as provided by this section do not preclude a recharging of the alleged violation if the person being charged receives a new summons or notice subject to the provisions of this section.

SECTION 5. AMENDMENT. If House Bill No. 1323 does not become effective, section 39-07-11 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-11. Magistrate to keep record of convictions of traffic violations - Records of conviction to be forwarded to licensing authority. Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before the magistrate in which a person is charged with a violation of ~~section 12-1-16-02 or 12-1-16-03~~ chapter 12.1-16 resulting from the operation of a motor vehicle, or of any provision of chapters 39-05 through 39-13, 39-21, and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a final order or judgment of conviction, for a violation not subject to disposition and reporting under chapter 39-06.1, by the North Dakota supreme court or any lower court having jurisdiction, provided that no appeal is pending and the time for filing a notice of appeal has elapsed, the magistrate then having jurisdiction shall forward a report of that fact to the licensing authority. If the reported violation caused another person's serious bodily injury, as defined in section 12.1-01-04, the magistrate shall include that information in the report. Any conviction for which a report is received by the licensing authority may be deemed by the licensing authority to be final, and the licensing authority may take any action authorized by law to be taken based on the report. Subject to the filing of an appeal, a conviction includes those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is suspended under chapter 12-53; or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.

SECTION 6. AMENDMENT. If House Bill No. 1323 becomes effective, section 39-07-11 of the North Dakota Century Code, as amended by section 2 of House Bill No. 1323 is hereby amended and reenacted to read as follows:

39-07-11. Magistrate to keep record of convictions of traffic violations - Records of conviction to be forwarded to licensing authority. Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before the magistrate in which a person is charged with a violation of ~~section 12-1-16-02 or 12-1-16-03~~ chapter 12.1-16, or of any provision of chapters 39-05 through 39-13, 39-21, and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a final order or judgment of conviction, for a violation not subject to disposition and reporting under chapter 39-06.1, by the North Dakota supreme court or any lower court having jurisdiction, provided that no appeal is pending and the time for filing a notice of appeal has elapsed, the magistrate then having jurisdiction shall forward a report of that fact to the licensing authority. The licensing authority may receive reports of traffic offense convictions submitted by a court

in this state for any conviction of a licensed operator for violation of an ordinance equivalent to section 12.1-16-02 or 12.1-16-03. Any conviction for which a report is received by the licensing authority may be deemed by the licensing authority to be final, and the licensing authority may take any action authorized by law to be taken based on the report. Subject to the filing of an appeal, a conviction includes those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is suspended under chapter 12-53; or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.

SECTION 7. AMENDMENT. Section 39-08-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-01. Persons under the influence of intoxicating liquor or ~~controlled~~ any other drugs or substances not to operate vehicle - Penalty.

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is a habitual user of narcotic drugs or is under the influence of a narcotic any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any ~~controlled~~ substance other drugs or substances to a degree which renders that person incapable of safely driving.
 - e- That person is under the influence of a combination of intoxicating liquor and a controlled substance to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

2. A person may not be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a- That person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after being in physical control of a vehicle.
 - b- That person is under the influence of intoxicating liquor.
 - c- That person is a habitual user of narcotic drugs or is under the influence of a narcotic drug.
 - d- That person is under the influence of any controlled substance to a degree which renders that person incapable of safely driving.
 - e- That person is under the influence of a combination of intoxicating liquor and a controlled substance to a degree which renders that person incapable of safely driving.
- 3- A person violating this section or equivalent ordinance is guilty of a class B misdemeanor for the first or second conviction in a five-year period, and of a class A misdemeanor for a later conviction in a five-year period. Notwithstanding the other provisions of this subsection, a person violating this section or equivalent ordinance is guilty of a class A misdemeanor for the fourth or subsequent conviction in a seven-year period. The minimum penalty for violating this section is as provided in subsection 5 4. The court shall take judicial notice of the fact that a conviction would be a subsequent conviction if indicated by the records of the commissioner or may make such finding based on other evidence.
- 4- 3. 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 registrar of motor vehicles.

- 5- 4. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection.
- a. For a first offense, the sentence must include both a fine of at least two hundred fifty dollars and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - b. For a second offense within five years, the sentence must include at least four days' imprisonment, of which forty-eight hours must be served consecutively, or ten days' community service; a fine of at least five hundred dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - c. For a third offense within five years, the sentence must include at least sixty days' imprisonment, of which forty-eight hours must be served consecutively; a fine of one thousand dollars, and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - d. For a fourth offense within seven years, the sentence must include one hundred eighty days' imprisonment, of which forty-eight hours must be served consecutively and a fine of one thousand dollars.
 - e. A sentence or imposition of sentence under this section may not be suspended under chapter 12-53 except that a fine or a sentence of imprisonment may be suspended in any of the following instances:
 - (1) Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.
 - (2) If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service, which

sentence or imposition of sentence may not be suspended under chapter 12-53.

- f. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section shall be considered a prior offense if such offense was committed within the time limitations specified in this subsection.
- g. If the penalty mandated by this section includes imprisonment upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo inpatient treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the inpatient treatment must be credited as a portion of a sentence of imprisonment under this section.

SECTION 8. AMENDMENT. Section 39-08-01.2 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol.

- 1. ~~If a person is charged with violation of section 39-08-01 and violation of section 12-1-16-02, 12-1-16-03, or 39-08-03 arising from the same occurrence, the court shall consolidate the charges for trial. The penalty provided in this section applies when the court finds the person guilty of violation of section 39-08-01 and section 12-1-16-02 or 12-1-16-03, or a violation of sections 39-08-01 and 39-08-03 if the court finds that the violation caused serious bodily injury, as defined in section 12-1-01-04, to another person:~~
 - a. A person is convicted of an offense under chapter 12.1-16 and the conviction is based in part on the evidence of the person's operation of a motor vehicle while under the influence of alcohol or drugs;
 - b. A person is convicted of violating section 39-08-03 based in part on the evidence of the person's operation of a motor vehicle while under the influence of alcohol or drugs and the violation caused serious bodily injury, as defined in section 12.1-01-04, to another person; or
 - c. A person is convicted of violating section 39-08-01 and the violation caused serious bodily injury, as defined in section 12.1-01-04, to another person.

2. If the defendant was at least eighteen years of age at the time of the violation of section 39-08-01 and section 12-1-16-02 or 12-1-16-03 offense under chapter 12.1-16, the sentence under section 12-1-16-02 or 12-1-16-03 that chapter must be at least one year's imprisonment. If the defendant was at least eighteen years of age at the time of the violation of section 39-08-01 and or section 39-08-03, the sentence under either section 39-08-03 must be at least ninety days' imprisonment. The sentence for violation of section 12-1-16-02, 12-1-16-03, under chapter 12.1-16 or section 39-08-01 or 39-08-03 may not be suspended unless the court finds that manifest injustice would result from imposition of the sentence. The sentence must be served in its entirety, without benefit of parole or pardon. The sentence for violation of section 12-1-16-02, 12-1-16-03, or 39-08-03 under this section must be consecutive to any sentence imposed for violating section 39-08-01 or equivalent ordinance.
3. If the defendant was less than eighteen years of age at the time of the offense, the punishment may be in accordance with subsection 2 or chapter 27-20.

SECTION 9. AMENDMENT. Section 39-20-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-01. Implied consent to determine alcoholic and drug content of blood. Any person who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state is deemed to have given consent, and shall consent, subject to the provisions of this chapter, to a chemical test, or tests, of the blood, breath, saliva, or urine for the purpose of determining the alcoholic, other drug, or combination thereof, content of the blood. As used in this chapter the word "drug" means a "controlled substance" as defined in section 19-03-1-01 any drug or substance or combination of drugs or substances which renders a person incapable of safely driving, and the words "chemical test" or "chemical analysis" mean any test to determine the alcoholic, or other drug, or combination thereof, content of the blood, breath, saliva, or urine, approved by the state toxicologist under this chapter. The test or tests must be administered at the direction of a law enforcement officer only after placing the person, except persons mentioned in section 39-20-03, under arrest and informing that person that the person is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, drugs, or a combination thereof. The arresting officer shall also inform the person charged that refusal of the person to submit to the test determined appropriate will result in a revocation for up to three years of the person's driving privileges. The arresting officer shall determine which of the tests is to be used.

SECTION 10. A new section to chapter 39-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

Chemical test of driver in serious bodily injury or fatal crashes. Notwithstanding section 39-20-01 or 39-20-04, when the driver of a vehicle is involved in an accident resulting in the death or serious bodily injury, as defined in section 12.1-01-04, of another person, and there is probable cause to believe that the driver is in violation of section 39-08-01, the driver may be compelled by a police officer to submit to a test or tests of the driver's blood, breath, saliva, or urine to determine the alcohol concentration or the presence of other drugs or substances.

SECTION 11. AMENDMENT. Subsection 3 of section 39-20-03.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The arresting officer, within five days of the issuance of the temporary operator's permit, shall forward to the commissioner a sworn certified written report in the form required by the commissioner and the person's operator's license taken under subsection 1 or 2. If the person was issued a temporary operator's permit because of the results of a test, the sworn report must show that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the person was lawfully arrested, that the person was tested for blood alcohol concentration under this chapter, and that the results of the test show that the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight. In addition to the operator's license and sworn report, the law enforcement officer shall forward to the commissioner a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood, saliva, or urine test for all tests administered at the direction of the officer.

SECTION 12. AMENDMENT. Subsection 3 of section 39-20-03.2 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The law enforcement officer, within five days of issuing the temporary operator's permit, shall forward to the commissioner a sworn certified written report in the form required by the commissioner and a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood, saliva, or urine test for all tests administered at the direction of the officer. If the person was issued a temporary operator's permit because of

the person's refusal to submit to a test under sections 39-20-01 and 39-20-14, the ~~sworn~~ report shall include information as provided in section 39-20-04. If the person was issued a temporary operator's permit because of the results of a test, the ~~sworn~~ report must show that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the person was lawfully arrested, that the person was tested for blood alcohol concentration under this chapter, and that the results of the test show that the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight.

* SECTION 13. AMENDMENT. Section 39-20-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to testing. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none shall be given, but the law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next ~~twenty~~ twenty-five days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the commissioner's official notification to the person of the commissioner's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The commissioner, upon the receipt of that person's operator's license and a ~~sworn~~ certified written report of the law enforcement officer in the form required by the commissioner, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the commissioner shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing

* NOTE: Section 39-20-04 was also amended by section 3 of Senate Bill No. 2472, chapter 481.

and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the commissioner shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the commissioner may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

1. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
2. Two years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
3. Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests.

SECTION 14. AMENDMENT. Section 39-20-06 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-06. Judicial review. Any person whose operator's license or privilege has been suspended, revoked, or denied by the decision of the hearing officer under section 39-20-05 may appeal within seven days after the date of the hearing under section 39-20-05 as shown by the date of the hearing officer's decision, section 28-32-15 notwithstanding, by serving on the commissioner and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a test was made, or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the commissioner and to the hearing officer who rendered the decision. Neither the commissioner nor the court may stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the commissioner or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other

proceedings. It is the record on which the appeal shall must be determined. No additional evidence may be heard. The court shall affirm the decision of the commissioner or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the commissioner or hearing officer. The court may direct that the matter be returned to the commissioner or hearing officer for rehearing and the presentation of additional evidence.

SECTION 15. AMENDMENT. Section 54-38-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-05. Duties of department. The department shall:

1. Study alcoholism and drug abuse and related problems, including methods and facilities available for the care, custody, detention, treatment, employment, and rehabilitation of resident alcoholics and drug dependent persons.
2. Promote meetings and programs for the discussion of alcoholism and drug abuse or any of their aspects, disseminate information on the subject of alcoholism and drug abuse for the guidance and assistance of individuals, courts, and public or private agencies for the prevention of alcoholism and drug abuse, and inform and educate the general public on problems of alcoholism and drug abuse, their prevention and treatment, to the end that alcoholism and drug abuse may be prevented and that persons suffering from alcoholism or drug dependency may be disposed to seek available treatment.
3. Conduct, promote, and finance, in full or in part, studies, investigations, and research, independently or in cooperation with universities, colleges, scientific organizations, and public or private agencies.
4. Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the department of his own volition for advice and guidance.
5. Establish, from time to time, policies governing the evaluation, acceptance, care, and treatment of alcoholics and drug dependent persons.
6. Develop, through consultation with the highway commissioner, a policy governing programs for persons who, subsequent to being convicted for traffic offenses, are referred to educational courses on alcohol, drugs, and driving.

*** SECTION 16. REPEAL.** Section 39-06-33.1 of the 1985 Supplement to the North Dakota Century Code is hereby repealed.

Approved April 21, 1987
Filed April 22, 1987

* NOTE: Section 39-06-33.1 was also repealed by section 4 of House Bill No. 1197, chapter 461.

CHAPTER 461

HOUSE BILL NO. 1197
(Committee on Transportation)
(At the request of the Highway Department)

OPERATOR'S LICENSE SUSPENSION OR REVOCATION

AN ACT to amend and reenact section 39-06-33, subsection 1 of section 39-06.1-10, and section 39-16-02 of the North Dakota Century Code, relating to hearings for administrative appeals; and to repeal sections 39-06-33.1 and 39-06-39 of the North Dakota Century Code, relating to the authority to suspend licenses after traffic death or injury and administrative and judicial review of license suspensions and revocations.

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

SECTION 1. AMENDMENT. Section 39-06-33 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-33. Hearings on suspension.

1. In matters of driver's license suspension or revocation arising under ~~section 39-06-33~~ chapter 39-06, section 39-06.1-10, and chapter 39-16, the commissioner shall first give notice of intention to suspend to the licensee by mailing the notice to the licensee at the address of record in the department under section 39-06-20. Actual notice of the opportunity for a hearing under this section must be deemed to have occurred forty-eight hours after the notice is mailed by regular mail. The licensee shall have ten days ~~from~~ after the date of ~~receipt~~ mailing of the notice to request, in writing, a hearing on the intended suspension or revocation.
2. Any hearing conducted under this section ~~must be before the commissioner or an authorized agent~~ and any appeal from the decision of the hearing must be conducted under chapter 28-32, except the hearing must be heard within sixty days of the receipt of the request for hearing and in the county of the licensee's residence, unless the parties agree to a different time and place for the hearing. ~~At the hearing, the commissioner or the duly~~

authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant evidentiary matter. At the hearing, the regularly kept records of the commissioner may be introduced and are prima facie evidence of their contents without further foundation.

3. Within twenty days of the completion of the hearing, the commissioner or the authorized agent shall issue a written order evincing the determination made. The mailing of the decision and the resulting order by regular mail to the address recorded in the files of the commissioner under section 39-06-20 is sufficient notice. If a suspension is ordered, a reexamination of the licensee may be required.
4. If a suspension is ordered under subsection 2 of section 39-06-32, the notice must include a specific description of the conditions which led to the conclusion that the licensee is incompetent to drive a motor vehicle. If during the suspension those conditions dissipate, the licensee may request another hearing on the issue of competence to drive a motor vehicle. The hearing must be held in the manner required under subsections 2 and 3 for the original suspension.

SECTION 2. AMENDMENT. Subsection 1 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. When a report of a conviction of a traffic offense, or admission or adjudication of a traffic violation is received by the licensing authority, the licensing authority shall proceed to enter the proper number of points on the licensee's driving record, unless the number points assigned to the violation are two or less. If the number points assigned to the violation are two or less the violation and points shall not be entered on the driving record but shall be recorded separately, and the separate record shall not be available to the public. Points from violations in which the assigned number points are two or less shall be considered a part of the driving record only for purposes of point reduction pursuant to section 39-06.1-13 and for purposes of license suspension. When the driving record shows that the licensee has an accumulated point total of twelve or more points, assigned on the basis of the schedule contained in subsection 3 of this section, the authority shall notify the licensee of its intention to suspend the operator's license and of the availability of an administrative hearing. If the licensee makes a written request for a hearing within ten days after mailing of the notice, the hearing shall be held in accordance with according to the applicable provisions of chapter 28-32. At the hearing the records of the commissioner may be introduced and shall establish

prima facie the contents thereof without further foundation. Notice of the opportunity for hearing and of the decision and the resulting order of the commissioner shall be sufficient if mailed by regular mail to the licensee's address on file with the commissioner pursuant to section 39-06-20 39-06-33. For the purposes of this chapter, the licensing authority may also receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

SECTION 3. AMENDMENT. Section 39-16-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-02. Rules and regulations - Judicial review Notice of proposed suspension. The commissioner shall have the powers and perform the duties imposed upon him by this chapter and may make rules and regulations necessary therefor and shall provide for hearings upon request of any person aggrieved by his final orders under this chapter. Any person aggrieved by a final order of the commissioner under this chapter may review such order by appeal; the laws of this state providing for appeals from orders of administrative agencies shall be applicable for that purpose. Notice of a proposed suspension under this chapter must be given under section 39-06-33.

* SECTION 4. REPEAL. Section 39-06-39 of the North Dakota Century Code and section 39-06-33.1 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 27, 1987
Filed March 30, 1987

* NOTE: Section 39-06-33.1 was also repealed by section 16 of Senate Bill No. 2468, chapter 460.

CHAPTER 462

HOUSE BILL NO. 1173
(Committee on Transportation)
(At the request of the Highway Department)

MULTIPLE OPERATOR'S LICENSE SUSPENSIONS

AN ACT to amend and reenact section 39-06-37 of the North Dakota Century Code, relating to the duration of multiple driver's license suspensions or revocations for separate violations.

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

* SECTION 1. AMENDMENT. Section 39-06-37 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-37. Surrender and return of license - Duration of multiple suspensions and revocations for separate violations.

1. The commissioner upon canceling, suspending, or revoking a license shall require that such license shall be surrendered to and be retained by the commissioner.
2. If any person fails immediately to return to the commissioner any license or permit which has been canceled, suspended, or revoked, the order of the commissioner shall authorize any highway patrolman or peace officer to secure possession thereof and return the same to the commissioner. A suspension, revocation, or cancellation ordered under this title shall be deemed to have commenced when the order is delivered to the licensee at his address of record in the department pursuant to section 39-06-20. Constructive delivery under this section shall be considered as occurring forty-eight hours after the order is mailed to the person by regular mail.
3. Unless otherwise specifically provided in this title, any suspension, revocation, cancellation, or denial of licensing ordered under any provision of this title must be in addition to, and run consecutive to, any other or existing suspension, revocation, cancellation, or denial of licensing ordered for a separate violation.

Approved March 12, 1987
Filed March 16, 1987

* NOTE: Section 39-06-37 was also amended by section 11 of House Bill No. 1228, chapter 458.

CHAPTER 463

SENATE BILL NO. 2202
 (Committee on Transportation)
 (At the request of the Governor)

SPEED LIMITS

AN ACT to create and enact a new subsection to section 39-06.1-06, a new paragraph to subdivision a of subsection 3 of section 39-06.1-10, and a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to highway speed limits and sanctions for violation of highway speed limits; to amend and reenact subsection 3 of section 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to sanctions for violation of speed limits; to provide a penalty; to provide a contingent effective date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Subsection 3 of section 39-06.1-06 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. ~~For~~ Except as provided in section 2 of this Act, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

SECTION 2. A new subsection to section 39-06.1-06 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour as posted and designated by the commissioner pursuant to section 6 of this Act, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

<u>Miles per hour over lawful speed limit</u>	<u>Fee</u>
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
16 - 25	\$ 40 plus \$3/each mph over 15 mph over limit
26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
36 +	\$100 plus \$5/each mph over 35 mph over limit

* SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

(33) Except as provided in paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10 and in section 4 of this Act, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance

16 - 20 mph over limit	3 points
21 - 25 mph over limit	4 points
26 - 35 mph over limit	6 points
36 - 45 mph over limit	8 points
46 + mph over limit	12 points

* SECTION 4. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour as posted and designated by the commissioner pursuant to section 6 of this Act, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

<u>Miles per hour over lawful speed limit</u>	<u>Points</u>
6 - 10	1
11 - 15	4
16 - 25	7

* NOTE: Subsection 3 of section 39-06.1-10 was also amended by section 1 of House Bill No. 1068, chapter 468, by section 2 of House Bill No. 1439, chapter 466, by sections 1 and 2 of House Bill No. 1613, chapter 467, by section 2 of Senate Bill No. 2060, chapter 465, and by section 2 of Senate Bill No. 2329, chapter 464.

26 - 35	10
36 +	12

* SECTION 5. AMENDMENT. Subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

f. Fifty-five miles [88.51 kilometers] an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions, and except as provided in section 6 of this Act.

* SECTION 6. A new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

If a speed higher than fifty-five miles [88.51 kilometers] an hour is permitted under federal law without loss of federal funds to this state, and unless otherwise permitted, restricted, or required by conditions, any higher speed so permitted and so designated and posted by the commissioner.

SECTION 7. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the governor certifies to the secretary of state and to the highway commissioner that the federal restrictions on speed limits exceeding fifty-five miles per hour are no longer in effect, but only if that day is before July 1, 1989.

SECTION 8. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved April 7, 1987
 Filed April 7, 1987

* NOTE: Subsection 1 of section 39-09-02 was also amended by sections 1 and 2 of House Bill No. 1363, chapter 472.

39-21-01. When lighted lamps are required --Penalty. Every vehicle upon a highway within this state at any time from sunset to sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet [304.8 meters] ahead ~~shall~~ must display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stop lights, turn signals, and other signaling devices ~~shall~~ must be lighted as prescribed for the use of such devices. Any person who violates the provisions of this section shall be assessed a fee of five dollars for each violation.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 465

SENATE BILL NO. 2060
(Legislative Council)
(Interim Judiciary Committee)

MOTOR VEHICLE MODIFICATION PENALTIES

AN ACT to amend and reenact section 39-06.1-09 and subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the penalty for modification of a motor vehicle.

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

* SECTION 1. AMENDMENT. Section 39-06.1-09 of the 1985 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 sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; 39-09-04.1; 39-09-09; 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 chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except sections 39-21-01, 39-21-44, 39-21-45.1, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

** SECTION 2. AMENDMENT. Subsection 3 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Points shall be assigned and accumulated on the basis of the following schedule:

a. Noncriminal Violations	
Noncriminal Adjudication	
or Admission of:	
(1) Overtime and double parking in violation of city ordinances	Points Assigned: 0 points
(2) Failure to display license plates	1 point

* NOTE: Section 39-06.1-09 was also amended by section 1 of House Bill No. 1439, chapter 466, and by section 1 of Senate Bill No. 2329, chapter 464.

** NOTE: Subsection 3 of section 39-06.1-10 was also amended by section 1 of House Bill No. 1068, chapter 468, by section 2 of House Bill No. 1439, chapter 466, by sections 1 and 2 of House Bill No. 1613, chapter 467, by sections 3 and 4 of Senate Bill No. 2202, chapter 463, and by section 2 of Senate Bill No. 2329, chapter 464.

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|------|--|-----------|
| (3) | Permitting unauthorized minor to drive | 2 points |
| (4) | Permitting unauthorized person to drive | 2 points |
| (5) | Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47 | 2 points |
| (6) | Unlawful parking in prohibited place | 1 point |
| (7) | Leaving motor vehicle improperly unattended on an open highway | 1 point |
| (8) | Opening or leaving motor vehicle doors open when unsafe to do so | 1 point |
| (9) | <u>Knowingly</u> Except as provided in section 39-21-45.1, knowingly drove with defective, nonexistent, or unlawful equipment in violation of subsection 1 of section 39-21-46, or equivalent ordinances | 2 points |
| (10) | Careless driving in violation of section 39-09-01, or equivalent ordinance | 6 points |
| (11) | Repealed by S.L. 1981, ch. 389, § 4- | |
| (12) | Violating or exceeding restrictions contained in a restricted certificate issued pursuant to section 39-06.1-03 | 4 points |
| (13) | Fleeing in motor vehicle from law enforcement officers in motor vehicle when such action constitutes a specific offense under statute or ordinance | 10 points |
| (14) | Racing or drag racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance | 10 points |
| (15) | Exhibition driving in violation of section 39-08-03.1, or equivalent ordinance | 3 points |
| (16) | Failing to yield right of way in violation of section 39-10-20, 39-10-22 through 39-10-26, 39-10-28, 39-10-33.3, or 39-10-44, or | 2 points |

- | | | |
|------|---|----------|
| (17) | equivalent ordinances
Disobeying an official
traffic-control device
in violation of section
39-10-04, 39-10-05,
or 39-10-07, or
equivalent ordinances | 2 points |
| (18) | Driving on wrong side of
road in violation of
section 39-10-08,
39-10-14, or 39-10-16, or
equivalent ordinances | 2 points |
| (19) | Failing to dim headlights
in violation of section
39-21-21, or equivalent
ordinance | 1 point |
| (20) | Failing to stop at railroad
crossing in violation of
section 39-10-41 or
39-10-42, or equivalent
ordinances | 1 point |
| (21) | Knowingly drove with
defective brakes in
violation of section
39-21-32, or 39-21-33, or
equivalent ordinances | 2 points |
| (22) | Disregarding the lawful
commands of a police
officer in violation of
section 39-10-02, or
equivalent ordinance | 2 points |
| (23) | Overtaking where prohibited
or in an unsafe manner in
violation of section
39-10-11, 39-10-12,
39-10-13, or 39-10-15, or
equivalent ordinances | 2 points |
| (24) | Overtaking and passing a
schoolbus in violation of
section 39-10-46, or
equivalent ordinance | 6 points |
| (25) | Repealed by S.L. 1985,
ch. 430, § 4 | |
| (26) | Operating a motor vehicle
without a license in
violation of section
39-06-01, or equivalent
ordinance | 4 points |
| (27) | Improperly operating or
unlawfully carrying
passengers or packages on
a motorcycle in violation
of section 39-10.2-02,
or equivalent ordinance | 2 points |

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|------|---|-----------|
| (28) | Improperly operating a motorcycle in laned traffic in violation of section 39-10.2-03, or equivalent ordinance | 2 points |
| (29) | Clinging to other vehicles while riding a motorcycle in violation of section 39-10.2-04, or equivalent ordinance | 4 points |
| (30) | Carrying a passenger on a motorcycle not equipped with passenger footrests in violation of section 39-10.2-05, or equivalent ordinance | 2 points |
| (31) | Operating a motorcycle without protective headgear in violation of subsection 1 of section 39-10.2-06, or equivalent ordinance | 2 points |
| (32) | Failing to use the care required in section 39-09-01.1, or equivalent ordinance | 2 points |
| (33) | Except as provided in paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance | |
| | 16 - 20 mph over limit | 3 points |
| | 21 - 25 mph over limit | 4 points |
| | 26 - 35 mph over limit | 6 points |
| | 36 - 45 mph over limit | 8 points |
| | 46 + mph over limit | 12 points |
| (34) | Within city limits on a noncontrolled access highway, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance | |
| | 6 - 10 mph over limit | 1 point |
| | 11 - 15 mph over limit | 2 points |
| | 16 - 20 mph over limit | 3 points |
| | 21 - 25 mph over limit | 4 points |
| | 26 - 35 mph over limit | 6 points |
| | 36 - 45 mph over limit | 8 points |
| | 46 + mph over limit | 12 points |

b. Criminal Violations

- | Conviction of: | Points Assigned: |
|---|------------------|
| (1) Reckless driving, in violation of section 39-08-03, or equivalent | 8 points |

- ordinance
- (2) Aggravated reckless driving, in violation of section 39-08-03, or equivalent ordinance 12 points
- (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances 14 points
- (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance 18 points
- (5) Driving or being in actual physical control of a motor vehicle in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has not within the five years preceding the violation previously violated section 39-08-01, or equivalent ordinance 24 points
- (6) Driving or being in actual physical control of a motor vehicle in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has within the five years preceding the violation previously violated section 39-08-01, or equivalent ordinance 63 points
- (7) Driving or being in actual physical control of a motor vehicle in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has within the five years preceding the violation at least twice previously violated section 115 points

- 39-08-01 or equivalent ordinance
- (8) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving 3 points
- (9) Violating any restrictions other than those listed in paragraph 8 of this subdivision, contained in a restricted license issued under section 39-06-17 or 39-06.1-11 4 points
- (10) Operating a motor vehicle without liability insurance, in violation of section 39-08-20 6 points
- (11) Knowingly drove a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 2 points

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 466

HOUSE BILL NO. 1439
(Representatives O'Connell, Dorso, O. Hanson)
(Senators Hilken, Richard)

ACCIDENT NOTICE

AN ACT to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to amend and reenact sections 39-06.1-09 and 39-08-09 of the North Dakota Century Code, relating to the definition of a moving violation and immediate notice of an accident; and to provide a penalty.

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

* SECTION 1. AMENDMENT. Section 39-06.1-09 of the 1985 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 sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; ~~39-08-09~~; 39-08-18; 39-09-04.1; 39-09-09; 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 chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except sections 39-21-01, 39-21-44, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

** SECTION 2. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Driving in violation 6 points
of section 39-08-09

SECTION 3. AMENDMENT. Section 39-08-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 39-06.1-09 was also amended by section 1 of Senate Bill No. 2060, chapter 465, and by section 1 of Senate Bill No. 2329, chapter 464.

** NOTE: Subsection 3 of section 39-06.1-10 was also amended by section 1 of House Bill No. 1068, chapter 468, by sections 1 and 2 of House Bill No. 1613, chapter 467, by section 2 of Senate Bill No. 2060, chapter 465, by sections 3 and 4 of Senate Bill No. 2202, chapter 463, and by section 2 of Senate Bill No. 2329, chapter 464.

39-08-09. Immediate notice of accident - Penalty. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or property damage to an apparent extent of at least ~~six~~ **hundred one thousand** dollars, shall immediately give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. Any person who violates this section must be assessed a fine of fifty dollars. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five days of the accident the driver shall supply that information to the driver's license division in the form the division requires.

The commissioner may suspend the license or permit to drive and any nonresident operating privileges of any person failing to comply with the duties as provided in sections 39-08-06 through 39-08-09 until those duties have been fulfilled, and the commissioner may extend the suspension not to exceed thirty days.

Approved March 20, 1987

Filed March 23, 1987

CHAPTER 467

HOUSE BILL NO. 1613
(Kent)

MOTOR VEHICLE LIABILITY INSURANCE PENALTY

AN ACT to create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to driver's license penalty point assessments for driving without liability insurance after involvement in an accident; and to amend and reenact paragraph 10 of subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to driver's license penalty point assessments for driving without liability insurance.

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

* SECTION 1. AMENDMENT. Paragraph 10 of subdivision b of subsection 3 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

(10) Operating Except as provided in section 2 of this Act, 6 points
operating a motor vehicle without liability insurance, in violation of section 39-08-20

* SECTION 2. A new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the violation was discovered as the result of investigation of an accident in which the driver is the owner 14 points

Approved March 27, 1987
Filed March 30, 1987

* NOTE: Subsection 3 of section 39-06.1-10 was also amended by section 1 of House Bill No. 1068, chapter 468, by section 2 of House Bill No. 1439, chapter 466, by section 2 of Senate Bill No. 2060, chapter 465, by sections 3 and 4 of Senate Bill No. 2202, chapter 463, and by section 2 of Senate Bill No. 2329, chapter 464.

CHAPTER 468

HOUSE BILL NO. 1068
(Winkelman)

FLEEING A PEACE OFFICER PENALTY

AN ACT to amend and reenact paragraph 13 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to drivers license penalty points for fleeing a peace officer; and to provide a penalty.

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

* SECTION 1. AMENDMENT. Paragraph 13 of subdivision a of subsection 3 of section 39-06.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (13) Fleeing in motor vehicle ~~10~~ 24 points
from law enforcement
officers in motor vehicle
when such action constitutes
a specific offense under
statute or a peace
officer in violation
of section 39-10-71 or
equivalent ordinance

Approved April 7, 1987
Filed April 9, 1987

- * NOTE: Subsection 3 of section 39-06.1-10 was also amended by section 2 of House Bill No. 1439, chapter 466, by sections 1 and 2 of House Bill No. 1613, chapter 467, by section 2 of Senate Bill No. 2060, chapter 465, by sections 3 and 4 of Senate Bill No. 2202, chapter 463, and by section 2 of Senate Bill No. 2329, chapter 464.

CHAPTER 469

SENATE BILL NO. 2201
(Committee on Transportation)
(At the request of the Highway Department)

DRIVER TRAINING COURSE COMPLETION

AN ACT to amend and reenact subsection 2 of section 39-06.1-13 of the North Dakota Century Code, relating to reduction of point totals on driving records.

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

SECTION 1. AMENDMENT. Subsection 2 of section 39-06.1-13 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The point total shown on a licensee's driving record shall, during any twelve-month period, be reduced by three points when the licensee mails or delivers a certificate to the licensing authority indicating successful completion of ~~eight hours of~~ instruction in a driver training course approved by the licensing authority. Successful completion of ~~eight or more hours of~~ instruction shall be certified to by the instructor ~~or instructors~~ of the driver training course. The reduction in points authorized by this subsection shall only be from a point total accumulated prior to completion of the necessary hours of driver training instruction, and shall not exceed nine points during any three-year period commencing on the date of entry of the last points against the person's driving record. If on the date the licensing authority receives the certificate of completion of the driver training course from the licensee, that licensee's driving record contains twelve or more points, the point reduction authorized by this subsection shall be applied only after the period of suspension required by the number of points then on the driver's record has been served.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 470

SENATE BILL NO. 2335
(Nalewaja, Adams)

TRAFFIC OFFENSE RELEASES

AN ACT to amend and reenact section 39-07-09 of the North Dakota Century Code, relating to traffic offenses for which a person may be released upon promise to appear.

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

SECTION 1. AMENDMENT. Section 39-07-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear. The provisions of section Section 39-07-07 shall does not apply to a person if:

1. The halting officer ~~shall have~~ has good reason to believe ~~such the~~ person guilty of any felony or ~~when such if the~~ person is halted and charged with ~~any of the offenses an~~ offense listed in section 39-06.1-05, ~~except reckless~~ driving but not listed in subsection 2; or
2. The halting officer, acting within ~~his~~ the officer's discretion, ~~deems determines that~~ it is inadvisable to release ~~such the~~ person upon ~~his~~ a promise to appear ~~when,~~ and if the person has been halted and charged with ~~either~~ any of the following offenses:
 - a. Reckless driving.
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
 - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
 - d. Operating a modified vehicle.

e. Driving without liability insurance in violation of section 39-08-20.

The halting officer forthwith shall take any person not released upon ~~his~~ a promise to appear before the nearest or most accessible magistrate.

Approved March 20, 1987

Filed March 23, 1987

CHAPTER 471

HOUSE BILL NO. 1419
(Sorensen)

EXHIBITION DRIVING AND DRAG RACING

AN ACT to amend and reenact subsection 1 of section 39-08-03.1 of the North Dakota Century Code, relating to the amount of statutory fees for exhibition driving and drag racing; 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 39-08-03.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor shall any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section ~~shall~~ by engaging in an act defined by subdivision b of subsection 2 must be assessed a fee of forty fifty dollars. Any person who violates this section by engaging in an act defined by subdivision a or c of subsection 2 must be assessed a fee of one hundred dollars.

Approved March 19, 1987
Filed March 20, 1987

CHAPTER 472

HOUSE BILL NO. 1363
(Representatives Whalen, Thompson)
(Senators Freborg, D. Meyer)

MOTOR VEHICLE SPEED LIMITS

AN ACT to create and enact a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to motor vehicle speed limits; and to amend and reenact subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to motor vehicle speed limits.

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

* SECTION 1. AMENDMENT. Subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- f. Fifty-five miles [88.51 kilometers] an hour under other circumstances, unless a higher speed is permitted under subsection 2 of this Act, and unless otherwise permitted, restricted, or required by conditions, fifty-five miles [88.51 kilometers] an hour.

* SECTION 2. A new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Under other circumstances, if a speed higher than fifty-five miles [88.51 kilometers] an hour is permitted under federal law without loss of federal funds to this state, and unless otherwise permitted, restricted, or required by conditions, any higher speed so permitted.

Approved March 27, 1987
Filed March 30, 1987

* NOTE: Subsection 1 of section 39-09-02 was also amended by sections 5 and 6 of Senate Bill No. 2202, chapter 463.

CHAPTER 473

HOUSE BILL NO. 1389
(Belter, V. Olson, C. Williams)

SCHOOLBUS SAFETY

AN ACT to amend and reenact subsections 1 and 4 of section 39-10-46, subsection 2 of section 39-21-18, and sections 39-21-27 and 39-21-27.1 of the North Dakota Century Code, relating to safety requirements for schoolbuses; and to provide for application.

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

SECTION 1. AMENDMENT. Subsections 1 and 4 of section 39-10-46 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The driver of a vehicle meeting or overtaking from either direction any schoolbus stopped on the highway shall stop the vehicle before reaching ~~such~~ the schoolbus when there is in operation on ~~said~~ the schoolbus the flashing red lights, the stop sign on the control arm, or the safety strobe lights specified in section 39-21-18, and ~~said~~ the driver shall not proceed until such schoolbus resumes motion or he is signaled by the schoolbus driver to proceed or the flashing red lights, the stop sign on the control arm, and the safety strobe lights are no longer actuated.
4. Every schoolbus ~~shall~~ may be equipped with safety strobe lights and must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of section 39-21-18, which may only be actuated by the driver of ~~said~~ the schoolbus whenever, but only whenever, such the vehicle is stopped on the highway for the purpose of receiving or discharging to receive or discharge schoolchildren. A schoolbus driver ~~shall~~ may not actuate ~~said~~ the stop sign or the special visual signals:
 - a. On city streets on which the receiving or discharging of schoolchildren is prohibited by ordinance;

- b. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
- c. In designated schoolbus loading areas where the bus is entirely off the roadway.

SECTION 2. AMENDMENT. Subsection 2 of section 39-21-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 2. Every schoolbus, except small vehicles such as automobiles, station wagons, suburbans, and van-type vehicles having a seating capacity of up to and including sixteen pupils, and every authorized emergency vehicle ~~shall~~ may be equipped with safety strobe lights and must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal:

- a. Signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet [152.4 meters] in normal sunlight; and

- b. A stop sign on a control arm that can be activated by the busdriver. The stop sign on the control arm must be located on the left side of the bus; be equipped with a flashing red light; and when activated, extend out from the bus at approximately a ninety degree angle.

SECTION 3. AMENDMENT. Section 39-21-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-27. Special lighting and warning equipment on schoolbuses.

- 1. The superintendent of public instruction in cooperation with the registrar is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices, including the stop sign on a control arm specified in section 39-21-18, to be carried by schoolbuses and other vehicles transporting children to school for compensation, consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

2. It shall be unlawful to operate any flashing warning signal light or the stop sign on the control arm specified in section 39-21-18 on any schoolbus except when any said schoolbus is stopped on a highway for the purpose of permitting schoolchildren to board or alight from said schoolbus.

SECTION 4. AMENDMENT. Section 39-21-27.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-27.1. Schoolbus standards - Equipment and color regulations. Only motor vehicles which have been designed by the manufacturer for the purpose of carrying passengers shall be used as schoolbuses. The superintendent of public instruction may adopt reasonable regulations, consistent with the provisions of this chapter, relating to the construction, design, operation, equipment, and color of schoolbuses and shall prepare and publish standards for North Dakota schoolbuses which shall set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways, and elsewhere of any schoolbus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation. If a schoolbus is purchased for a purpose or purposes other than the public transport of schoolchildren, the purchaser shall change the color of the vehicle and deactivate or remove the warning signal lights and the stop sign on the control arm.

Highway patrolmen and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

SECTION 5. APPLICATION. This Act does not require the installation of stop signs on control arms on schoolbuses in use before July 1, 1988.

Approved March 19, 1987
Filed March 20, 1987

CHAPTER 474

HOUSE BILL NO. 1400
(V. Olson, O'Connell, Belter)

STOPPING FOR SCHOOLBUSES

AN ACT to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to ownership of motor vehicles used in violation of duty to stop for certain schoolbuses.

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

SECTION 1. A new section to chapter 39-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Permitting use of vehicle to violate section 39-10-46 prohibited - Penalty - Presumption of permission - Defense - Dual prosecution prohibited. The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of section 39-10-46. A person violating this provision is subject to a civil penalty of twenty dollars. If a motor vehicle is seen violating section 39-10-46, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of section 39-10-46, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this section and with violating section 39-10-46. Violation of this section is not a lesser included offense of violation of section 39-10-46.

Approved March 19, 1987

Filed March 20, 1987

CHAPTER 475

HOUSE BILL NO. 1089
(O'Connell)FLEEING AN OFFICER — EXTRAORDINARY ROAD
USE FEES

AN ACT to amend and reenact sections 39-10-71 and 39-12-14.1 of the North Dakota Century Code, relating to fleeing or eluding a peace officer and settlement of extraordinary road use fee charges.

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

SECTION 1. AMENDMENT. Section 39-10-71 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-71. Fleeing or attempting to elude a police peace officer. Any driver of a motor vehicle who willfully fails or refuses to bring his the vehicle to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class A misdemeanor. The A signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be complies with this section if the signal is perceptible to the driver and:

1. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
2. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform and prominently displays the officer's badge of office.

SECTION 2. AMENDMENT. Section 39-12-14.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-14.1. Voluntary settlement of extraordinary road use fee charges.

Before the complaint is issued pursuant to section 39-12-14, the owner, his or the owner's driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided under section 39-12-17, plus any towing or storage costs. Any settlement, whether made by the owner, his or the owner's driver or agent, shall be presumed to be of a voluntary nature. A peace officer or a peace officer's designee is authorized to receive the settlement payment on behalf of the authority having jurisdiction of the road whereon the violation occurred. The extraordinary road use fees shall be remitted to the state treasurer to be credited to the highway fund.

Approved March 12, 1987

Filed March 16, 1987

CHAPTER 476

HOUSE BILL NO. 1198
(Committee on Transportation)
(At the request of the Highway Department)

MOTOR VEHICLE SIZE AND WEIGHT PERMITS

AN ACT to create and enact a new section to chapter 39-12 and a new subdivision to subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to the weight limitations for vehicles on non-interstate highways and trailer length limitations; and to amend and reenact sections 39-12-02 and 39-12-05 of the North Dakota Century Code, relating to fees for special permits for vehicles of excessive size and weight and vehicle weights on the interstate system.

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

SECTION 1. AMENDMENT. Section 39-12-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be opened to inspection by any peace officer or agent of the superintendent of highway patrol. It shall be a violation of the provisions of this chapter for any person to violate any of the terms or conditions of such special permit. All permits for the movement of excessive size and weight on state highways shall be single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.

An appropriate charge shall be made for each permit and all funds collected hereunder by the highway patrol shall be deposited

in the state highway fund and are hereby appropriated for use in the construction and maintenance of highways and operating expenses of the highway department. For each permit for the movement of a mobile home or modular unit, the fee is ~~five~~ ten dollars. Official or publicly owned vehicles shall not be required to pay charges for permits. The director of tax equalization of the county of destination shall be furnished a copy of the permit for the movement of an overdimensional mobile home.

SECTION 2. A new subdivision to subsection 3 of section 39-12-04 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The length of a trailer or semi-trailer may not exceed fifty-three feet [16.15 meters] except that trailers and semi-trailers titled and registered in North Dakota prior to July 1, 1987, may not exceed a length of sixty feet [18.29 meters].

SECTION 3. AMENDMENT. Section 39-12-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-05. Weight limitations for vehicles on interstate system. A person may not operate on a highway which is part of the interstate system any vehicle:

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

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

where W equals maximum weight in pounds carried on any group of more than one axle; L equals distance in feet between the extremes of any group of consecutive axles; and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand

pounds [15,422.14 kilograms] each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least thirty-six feet [10.97 meters]. On all state highways and unless otherwise posted, the gross weight may not exceed one hundred five thousand five hundred pounds [47,854.00 kilograms]. On the interstate system and on all other highways the gross weight may not exceed eighty thousand pounds [36,287.39 kilograms] except that highways under the jurisdiction of local authorities may be designated by them for gross weights not over one hundred five thousand five hundred pounds [47,854.00 kilograms]. The gross weight limitations do not apply to equipment that the state highway patrol and the commissioner approve for exemption. The exemption may not exceed eighty thousand pounds [36,287.39 kilograms] on the interstate system and one hundred five thousand five hundred pounds [47,854.00 kilograms] on all other highways. For every vehicle approved for exemption the highway patrol shall issue a nontransferable certificate of exemption valid for one year. The highway patrol may charge an administrative fee for the certificate.

The commissioner, and local authorities, as to the highways under their respective jurisdictions, may issue certificates authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The certificates may not provide for a gross weight in excess of eighty thousand pounds [36,287.39 kilograms] on the interstate system, nor a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms] on any other highway. The certificates shall provide only for the movement of agricultural products from the field to the initial storage site, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the certificates and direct how they shall be issued. All certificate fees collected by the highway patrol shall be deposited in the highway distribution fund.

SECTION 4. A new section to chapter 39-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

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

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On

axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle, with a maximum of forty-eight thousand pounds [21,772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.

2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, the gross weight of which exceeds that determined by the formula of:

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

where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47,854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36,287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47,854.00 kilograms].

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the state highway commissioner and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47,854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. The commissioner, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the commissioner.

CHAPTER 477

HOUSE BILL NO. 1267
(Gerntholz, Dorso, Knell)

MOTOR VEHICLE LENGTH REGULATION

AN ACT to amend and reenact subdivision d of subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to allowable lengths of certain motor vehicles.

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

SECTION 1. AMENDMENT. Subdivision d of subsection 3 of section 39-12-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- d. A combination of two, three, or four units including the load thereon may be operated on all four-lane divided highways and those highways in the state designated by the commissioner and local authorities as to the highways under their respective jurisdictions and shall not exceed a length of one hundred ten feet [33.53 meters], subject to any rules adopted by the commissioner that are consistent with public highway safety.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 478

HOUSE BILL NO. 1598
(Representatives Haugland, Peterson, Wentz)
(Senator Stenehjem)

SOLID WASTE TRANSPORTATION

AN ACT to amend and reenact subsection 2 of section 39-12-05 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 4 to the new section to chapter 39-12 of the North Dakota Century Code as created by section 4 of House Bill No. 1198, as approved by the fiftieth legislative assembly, relating to weight limitations on motor vehicles.

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

SECTION 1. AMENDMENT. If House Bill No. 1198 does not become effective, subsection 2 of section 39-12-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, the gross weight of which exceeds that determined by the formula of:

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

where W equals maximum weight in pounds carried on any group of more than one axle; L equals distance in feet between the extremes of any group of consecutive axles; and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds [15,422.14 kilograms] each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least thirty-six feet [10.97 meters]. On all state highways and unless otherwise posted, the gross weight may not exceed one hundred five thousand five hundred pounds [47,854.00 kilograms]. On the interstate system and on all other highways the gross weight may not exceed eighty thousand pounds [36,287.39 kilograms] except that highways under the jurisdiction of local authorities may be designated by

them for gross weights not over one hundred five thousand five hundred pounds [47,854.00 kilograms]. The gross weight limitations do not apply to equipment that the state highway patrol and the commissioner approve for exemption. The exemption may not exceed eighty thousand pounds [36,287.39 kilograms] on the interstate system and one hundred five thousand five hundred pounds [47,854.00 kilograms] on all other highways. For every vehicle approved for exemption the highway patrol shall issue a nontransferable certificate of exemption valid for one year. The highway patrol may charge an administrative fee for the certificate.

The commissioner, and local authorities, as to the highways under their respective jurisdictions, may issue certificates authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The certificates may not provide for a gross weight in excess of eighty thousand pounds [36,287.39 kilograms] on the interstate system, nor a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms] on any other highway. The certificates shall provide only for the movement of agricultural products from the field to the initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the certificates and direct how they shall be issued. All certificate fees collected by the highway patrol shall be deposited in the highway distribution fund.

SECTION 2. AMENDMENT. If House Bill No. 1198 becomes effective, subsection 4 to the new section to chapter 39-12 of the North Dakota Century Code, as created by section 4 of House Bill No. 1198, is hereby amended and reenacted to read as follows:

4. The commissioner, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the commissioner.

Approved April 1, 1987
Filed April 2, 1987

CHAPTER 479

HOUSE BILL NO. 1214
(Committee on Transportation)
(At the request of the Highway Department)

MOTOR VEHICLE INSURANCE

AN ACT to amend and reenact subsection 1 of section 39-16-05, subsection 1 of section 39-16.1-09, subsection 1 of section 39-16.1-10, and section 39-16.1-12 of the North Dakota Century Code, relating to proof of financial responsibility after an accident, proof of motor vehicle insurance coverage, filing certificates of insurance by an insurance carrier, notice of insurance coverage cancellation to the highway commissioner.

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

SECTION 1. AMENDMENT. Subsection 1 of section 39-16-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner, within sixty days after the receipt of a report of a motor vehicle accident within this state for which a driver is required to file a report under section 39-08-09, shall suspend the license or nonresident operating privilege of each driver of each vehicle in any manner involved in the accident. ~~if the driver is a nonresident, the commissioner shall suspend the driver's privilege of operating a motor vehicle within this state~~ unless the driver deposits security as provided in sections 39-16-09 and 39-16-10 in a sum which is sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against such driver. Notice of suspension and opportunity for hearing must be sent by the commissioner to the driver not less than ten days prior to the effective date of the suspension and must state the amount required as security. However, if a driver, either resident or nonresident, involved in the accident purchases an insurance policy with at least the amount of coverage required by this section, and files proof and satisfies financial responsibility requirements thereof with the commissioner, that driver may retain the license or privilege until the driver has accepted

responsibility for the accident or agreed to a settlement of claims arising from the accident or until a court of this state has determined that the driver was negligent or responsible for the accident in whole or in part. If the driver is found negligent or responsible for the accident, in whole or in part, the license or privilege must be suspended and will not be returned until the driver complies with this chapter.

SECTION 2. AMENDMENT. Subsection 1 of section 39-16.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Proof of financial responsibility may be furnished by filing with the commissioner the written or electronically transmitted certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is an operator's policy.

SECTION 3. AMENDMENT. Subsection 1 of section 39-16.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the commissioner a written or electronically transmitted certificate ~~or certificates~~ of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter, and the commissioner shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:
 - a. Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.
 - b. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

SECTION 4. AMENDMENT. Section 39-16.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16.1-12. Notice of ~~proposed~~ cancellation of policy by insurer. When an insurance carrier has certified a motor vehicle liability policy under sections 39-16.1-09 and 39-16.1-10, the insurance ~~so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the commissioner; carrier shall notify the commissioner no later than ten days after cancellation or termination of the certified insurance policy by filing a notice of cancellation or termination of the certified insurance policy;~~ except that ~~such~~ a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 480

SENATE BILL NO. 2261
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

VEHICLE DEALER LICENSE FEES

AN ACT to amend and reenact sections 39-18-01, 39-22.1-01, and 39-22.3-01 of the North Dakota Century Code, relating to licensing fees for mobile home, trailer, and motorcycle dealers.

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

SECTION 1. AMENDMENT. Section 39-18-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

Application for dealer's license and renewal license 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~~ thirty-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~~ ten dollars for each plate, the 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 "housetrailer", and both terms shall have the meaning prescribed in subsection 74 of section 39-01-01. The term "travel trailer" as used in this chapter has the meaning as prescribed in section 39-01-01.

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

SECTION 2. AMENDMENT. Section 39-22.1-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22.1-01. Trailer dealer's license - Fees - Plates. No person, partnership, or corporation shall engage in the business of buying, selling, or exchanging of trailers, or advertise or hold itself out to the public as being in the business of buying, selling, or exchanging of trailers without first being licensed to do so as hereinafter provided.

Application for dealer's license and renewal license shall be made to the registrar of motor vehicles on such forms as the registrar shall prescribe and furnish, and such application shall be accompanied by an annual fee of ~~fifteen~~ twenty 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 trailer 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 trailer dealers. In addition, the dealer shall maintain his business records in one central location.

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

The term "trailer" as used in this chapter shall not include those trailers exempt from registration in chapter 39-04.

SECTION 3. AMENDMENT. Section 39-22.3-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22.3-01. Motorcycle dealer's license - 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 motorcycles without possessing a current motorcycle dealer's license. No person, partnership, or corporation may advertise or hold out to the public as engaging in the buying, selling, or exchanging of motorcycles for resale without possession of a current motorcycle dealer's license. The motorcycle dealer's license fee is twenty-five dollars per year and with which shall be issued one dealer's plate. Additional dealer's plates are ~~five~~ ten dollars each. A dealer plate may be displayed on any motorcycle owned by the dealer.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 481

SENATE BILL NO. 2472
(Senators Heinrich, D. Meyer, Thane)
(Representative Dorso)

TEMPORARY OPERATOR'S PERMITS

AN ACT to amend and reenact subsection 1 of section 39-20-03.1, subsections 1 and 2 of section 39-20-03.2, section 39-20-04, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to temporary operator's permits and administrative hearings for alcohol-related traffic offenses.

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

SECTION 1. AMENDMENT. Subsection 1 of section 39-20-03.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next ~~twenty~~ twenty-five days, or until earlier terminated by the decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the commissioner's official notification to the person of the commissioner's intent to revoke, suspend, or deny driving privileges in this state.

SECTION 2. AMENDMENT. Subsections 1 and 2 of section 39-20-03.2 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Without taking possession of the person's out-of-state operator's license, the law enforcement officer shall issue to the person a notification of the test results and a temporary operator's permit extending nonresident operating privileges in this state for ~~twenty~~ twenty-five days from the date of issuance or until earlier terminated by the decision of a hearing officer under section 39-20-05. The temporary permit shall be signed and dated

by the officer and serves as the commissioner's official notification to the person of the commissioner's intent to revoke, suspend, or deny driving privileges in this state, and of the hearing procedures under this chapter.

2. If the test was administered by saliva or urine sample or by drawing blood, the law enforcement officer, on reviewing the blood alcohol concentration analysis showing the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight, shall mail the person a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for ~~twenty~~ twenty-five days from the date of mailing or until earlier terminated by the decision of a hearing officer under section 39-20-05, and notice of the intent to revoke, suspend, or deny driving privileges in this state, together with the notice provided under section 39-06.1-07 of the procedures available under this chapter. The temporary operator's permit shall be signed and dated by the officer.

* SECTION 3. AMENDMENT. Section 39-20-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to testing. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none shall be given, but the law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next ~~twenty~~ twenty-five days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the commissioner's official notification to the person of the commissioner's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The commissioner, upon the receipt of that person's operator's license and a sworn report of the law enforcement officer, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the

* NOTE: Section 39-20-04 was also amended by section 13 of Senate Bill No. 2468, chapter 460.

appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the commissioner shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the commissioner shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the commissioner may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

1. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
2. Two years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
3. Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests.

SECTION 4. AMENDMENT. Subsection 1 of section 39-20-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or 39-20-04.1, the commissioner shall afford that person an opportunity for a hearing if the person mails a request for the hearing to the commissioner within ~~five~~ ten days after the date of issuance of the temporary operator's permit. The hearing must be held within ~~twenty~~ twenty-five days after the date of issuance of the temporary operator's permit, but the hearing officer may extend the hearing to within ~~thirty~~ thirty-five days after the issuance of the temporary operator's permit if good cause is shown. If the hearing date is extended beyond ~~twenty~~ twenty-five days from the issuance of the temporary operator's permit, the commissioner shall provide extended temporary operator's privileges to the date of the hearing. If no hearing is requested within the time limits in this section the expiration of the temporary operator's permit serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 482

SENATE BILL NO. 2328
(Satrom)

CHILD RESTRAINT DEVICES

AN ACT to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to child restraint devices.

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

SECTION 1. AMENDMENT. Section 39-21-41.2 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

1. If a child, ~~not over two~~ under three years of age, is present in any passenger car that is operated by the child's parent or legal guardian motor vehicle, that passenger car motor vehicle must be equipped with at least one child restraint system for each such child ~~under two years~~. The child restraint system must ~~at least~~ meet the standards adopted by the United States department of transportation for those systems [49 CFR 571.213]. While the car motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. ~~if a~~ While the motor vehicle is moving, each child who is at least two and at most four of three to five years of age is present in a passenger car, unless properly secured who is in the motor vehicle must be in an approved child restraint system, the child must be or buckled in a seatbelt whenever the car is moving. Use of child restraint systems and seatbelts is not required in passenger cars manufactured before 1966 motor vehicles that have were not been equipped with seatbelts when manufactured. If all of the seatbelts are used by other family members in the vehicle, this section does not apply.
2. Violation of this section is punishable by a fine not to exceed twenty dollars. The fine may be suspended on

showing proof of acquiring a child restraint system complying with this section within one month of the violation.

3. Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

Approved April 1, 1987
Filed April 2, 1987

CHAPTER 483

SENATE BILL NO. 2463
(Senators Keller, Freborg)
(Representatives Hamerlik, Wald)

STREET RODS

AN ACT to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to exemption from equipment requirements for certain motor vehicles.

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

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

Exemption for certain street rod motor vehicles. The provisions of this chapter or chapter 52-04-01 of the North Dakota Administrative Code relating to bumpers, tires, and fenders do not apply to street rod motor vehicles. However, a street rod must have all equipment, in operating condition, which was specifically required by law as a condition for its sale when it was first manufactured. A street rod is a modernized motor vehicle which was manufactured before 1949 by a recognized manufacturer and which retains the general appearance and original body configuration as manufactured or a motor vehicle designed and manufactured to resemble such a motor vehicle. A street rod may have improved modifications to the body, chassis, engine, brakes, power train, steering, and suspension systems either by modifying the original equipment or replacing original parts with fabricated parts or those taken from other existing vehicles. The registrar may adopt rules to implement this section.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 484

SENATE BILL NO. 2258
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE DEALER LICENSES

AN ACT to amend and reenact sections 39-22-02, 39-22-06, 39-22-08, 39-22-11, and 39-22-12 of the North Dakota Century Code, relating to the licensing of motor vehicle dealers.

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

SECTION 1. AMENDMENT. Section 39-22-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-02. Motor vehicle dealer's license - 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 without possessing a current motor vehicle dealer's license. No person, partnership, or corporation shall advertise or hold out to the public as engaging in the buying, selling, or exchanging of motor vehicles for resale without possession of a current new motor vehicle dealer's license, or used motor vehicle dealer's license. The motor vehicle dealer's license fee is ~~twenty-five~~ fifty dollars per year and with which must be issued one set of ~~dealer's plates~~ dealer plate. ~~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~~ fifteen dollars ~~per set each~~. Such number plates may be used on any vehicle owned by the dealership and used in the direct functions of demonstrating, buying, or selling vehicles. These may not include service vehicles or vehicles used in other functions of the business. 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~~ three dollars per plate. Such ~~plates in-transit plate~~ 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 or in transit from the dealer, by a direct route, to another destination. Any dealer plate or in-transit plate displayed on a vehicle must be displayed on the rear of the vehicle. Special

utility plates may be issued by the registrar to any dealer, for a fee of ~~two~~ three 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~~ fifty miles [~~40.23~~ 80.47 kilometers] 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, rented, or 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 of such business and the titles or other documents showing ownership of the vehicles, 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. An established central place of business must have a telephone publicly listed in the name of the dealership, be open to the public during normal business hours, and be identified by a sign identifying the business, to the public, as a motor vehicle dealership. 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 [304.8 meters] 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. A nonrefundable fee of fifty dollars will be charged for each inspection and must accompany the initial application for new or used motor vehicle dealer's license.

Every dealer must have repair and service facilities at the central established place of business. The established place of business must be located within the state of North Dakota.

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 the dealer 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 the dealer 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 the dealer 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, the licensee shall first secure from the registrar of motor vehicles permission to do so. The licensee shall be required to furnish proof satisfactory to the registrar that the premises to which the licensee proposes to remove conform with the requirements hereinbefore set forth.

SECTION 2. AMENDMENT. Section 39-22-06 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-06. Motor vehicle lots - Location. A registered licensed dealer as described in this chapter may establish open motor vehicle lots as may be necessary in the conduct of his business in an area not further removed than three miles [4.83 kilometers] from the city limits of the town in which the dealer operates a licensed place of business. Such open lots must be identified as a part of licensed dealer's operation with a sign displaying the name of the licensed dealer.

SECTION 3. AMENDMENT. Section 39-22-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-08. Dealers to furnish information to registrar. All dealers engaged in the sale of motor vehicles in this state shall furnish the registrar or any duly authorized representative with such information as to models, specifications, selling prices, and such other data requested by the registrar as may be necessary in carrying out the provisions of this chapter.

SECTION 4. AMENDMENT. Section 39-22-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-11. Examination of books and records. The registrar of motor vehicles or ~~his~~ any duly authorized representative may inspect the pertinent books, letters, records, and contracts of any licensed motor vehicle dealer relating to any specific complaint made against such dealer and held to be in violation of any of the provisions of this title. In addition, any duly authorized representative of the

department may inspect the records of any licensed dealer to verify that fees collected for the department have been properly remitted.

SECTION 5. AMENDMENT. Section 39-22-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-12. Officers to administer chapter. The registrar of motor vehicles and ~~his appointee~~ any duly authorized representative shall be responsible for the administration of the provisions of this chapter.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 485

SENATE BILL NO. 2262
(Committee on Natural Resources)
(At the request of the Parks and Recreation Department)

SNOWMOBILE OPERATION

AN ACT to create and enact a new subsection to section 39-24-09 of the North Dakota Century Code, relating to snowmobile operation requirements; and to amend and reenact sections 39-24-03, 39-24-04, and 39-24-09.1 of the North Dakota Century Code, relating to snowmobile registration, exemption from registration, operation, and safety education programs.

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

SECTION 1. AMENDMENT. Section 39-24-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-03. Registration - Application - Issuance - Fees - Renewal. Application for registration shall be made to the department in a form as the department 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 the application shall be carried on the person when operating and 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, the snowmobile shall be registered and a registration number and a certificate of registration assigned. The registration number shall be at least two inches [5.08 centimeters] in height and of a reflectorized material, and shall be securely affixed on each side of the forward half of the snowmobile in such position as to provide clear legibility for identification. The certificate of registration shall include information regarding the make, year, serial number, and name and address of the owner.

The fee for registration of each snowmobile shall be two dollars for a registration period of two years beginning January first of each even-numbered year effective January 1, 1980. The fee for initial registration of each snowmobile registered on and after January first of the second year of the two-year registration period

shall also be two dollars. The fee for a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes 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. For each snowmobile registered under the provisions of this chapter, there shall be assessed a snowmobile trail tax in the amount of six dollars.

Every owner of a snowmobile shall renew the registration in a manner as the department 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. The dealer's registration numbers shall be used only on snowmobiles owned by the dealership.

SECTION 2. AMENDMENT. Section 39-24-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-04. Exemption from registration - Exemption from fees.

1. A registration number shall be issued without the payment of a fee for snowmobiles owned by the state of North Dakota or any of its political subdivisions upon application for the registration.
2. No registration or fees shall be required of:
 - a. Snowmobiles owned and used by the United States, another state or its political subdivisions.
 - b. Snowmobiles registered in a country other than the United States and temporarily used within this state.
 - c. Snowmobiles validly licensed in another state and which have not been within this state for more than thirty consecutive days.
 - d. Snowmobiles operated upon lands owned or leased by the snowmobile owner.
 - e. Snowmobiles incapable of speeds in excess of ten miles per hour and with an engine displacement of less than one hundred cubic centimeters.

SECTION 3. A new subsection to section 39-24-09 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Helmet required. No person under the age of eighteen may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States department of transportation standards.

SECTION 4. AMENDMENT. Section 39-24-09.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-09.1. Operation by persons under age sixteen. Except as otherwise provided in this section, it shall be unlawful for any person twelve years of age and over who has not reached sixteen years of age and who is not in possession of a valid driver's license or permit to operate a snowmobile, except upon the lands of the person's parent or guardian, unless and until the person has completed a snowmobile safety training course as prescribed by the director of the state parks and recreation department pursuant to chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the commissioner. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce the provisions of this chapter shall be presumptive evidence that such person is not the holder of such certificate. Fees collected from each person receiving certification must be deposited into the snowmobile trail tax fund for purposes of establishing snowmobile safety programs.

Approved March 26, 1987
Filed March 30, 1987

CHAPTER 486

HOUSE BILL NO. 1131
(Committee on Transportation)
(At the request of the Parks and Recreation Department)

ALL-TERRAIN VEHICLES

AN ACT to create and enact a new section to chapter 39-29 and two new subsections to section 39-29-09 of the North Dakota Century Code, relating to an all-terrain vehicle safety fee and to all-terrain vehicle operation requirements; to amend and reenact subsection 1 of section 39-29-01 and section 39-29-10 of the North Dakota Century Code, relating to definition of all-terrain vehicle, safety requirements, and certification fees; and to provide for application of this Act.

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

SECTION 1. AMENDMENT. Subsection 1 of section 39-29-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "All-terrain vehicle" means a motor vehicle using more than two low pressure tires and with a dry weight of less than twelve hundred pounds [544.31 kilograms; any motorized off-highway vehicle fifty inches [1270.00 millimeters] or less in width, having a dry weight of six hundred pounds [272.15 kilograms] or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

SECTION 2. A new section to chapter 39-29 of the North Dakota Century Code is hereby created and enacted to read as follows:

Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee. Upon the sale of an all-terrain vehicle, each dealer shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter the dealer shall file a report with the parks and recreation department that discloses the number of all-terrain vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must

be deposited in the all-terrain vehicle fund established under subsection 2 of section 39-29-05. The fees may be used only by the parks and recreation department and only for all-terrain vehicle safety education and promotion.

SECTION 3. Two new subsections to section 39-29-09 of the 1985 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

Helmet required. No person under the age of eighteen may operate, ride, or otherwise be propelled on an all-terrain vehicle unless the person wears a safety helmet meeting United States department of transportation standards.

Passenger restrictions. No operator of an all-terrain vehicle may carry a passenger while operating.

SECTION 4. AMENDMENT. Section 39-29-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-29-10. Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the state parks and recreation department and has received the appropriate all-terrain vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate. Fees collected from each person receiving certification must be deposited in the all-terrain vehicle trail tax fund for all-terrain vehicle safety education and training programs.

SECTION 5. APPLICATION OF ACT. Section 2 of this Act applies to all-terrain vehicles sold after June 30, 1987.

Approved April 14, 1987
Filed April 15, 1987