

MOTOR VEHICLES

CHAPTER 319

HOUSE BILL NO. 1233

(Representatives Berg, Dahl, DeKrey)
(Senators Lyson, Nelson)

AN ACT to amend and reenact section 39-03-18 of the North Dakota Century Code, relating to the highway patrol asset forfeiture fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-03-18 of the North Dakota Century Code is amended and reenacted as follows:

39-03-18. Highway patrol - Assets forfeiture fund - Purpose - Continuing appropriation. There is created a fund to be known as the highway patrol assets forfeiture fund. The fund consists of funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, and amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law; ~~and funds received from federal shared forfeiture proceedings.~~ The total amount of deposits into the fund may not exceed three hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated as a continuing appropriation to the highway patrol for the following purposes:

1. For paying expenses necessary to inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited, pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of the property.
2. For paying overtime compensation incurred as a result of investigations or violations of any state criminal law or law relating to the control of drug abuse.
3. For purchasing equipment related to criminal interdiction.
4. For paying matching funds required as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation or apprehension of persons violating the provisions of chapter 19-03.1.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

Approved April 16, 2009
Filed April 17, 2009

CHAPTER 320**SENATE BILL NO. 2150**

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 1 of section 39-04-02 and subdivision f of subsection 1 of section 39-05-05 of the North Dakota Century Code, relating to use of the owner's legal name for motor vehicle registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-04-02 of the North Dakota Century Code is amended and reenacted as follows:

1. Application must be made by the owner thereof using the legal name as evidenced by a valid state-issued driver's license, identity card, or any other documentary evidence that confirms to the satisfaction of the director the true identity of the owner, upon appropriate forms approved or furnished by the department, and every application must be signed by the owner and must contain the owner's county of residence, address, and a brief description of the vehicle to be registered, including the name of the maker, either the engine, serial, or identification number, if any, whether new or used, and the last license number known, and the state in which issued, and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating the vehicle. When two or more owners are designated, at least one of the owners must comply with the identification requirement in this subsection and all names used must be legal names. The application must contain other information as may be required by the department.

SECTION 2. AMENDMENT. Subdivision f of subsection 1 of section 39-05-05 of the North Dakota Century Code is amended and reenacted as follows:

- f. The owner's legal name, as evidenced by a valid state-issued driver's license, identity card, or any other documentary evidence that confirms to the satisfaction of the director the true identity of the owner, street address, city, and county, or township and county, of residence. When two or more owners are designated, at least one of the owners must comply with the identification requirement of this subdivision and all names used must be legal names. A dealer shall make specific inquiry as to this information before filling in the information on the application.

Approved April 8, 2009

Filed April 9, 2009

CHAPTER 321

SENATE BILL NO. 2313

(Senators Robinson, Krebsbach, Lindaas)
(Representatives J. Kelsh, Kerzman, Metcalf)

AN ACT to amend and reenact section 39-04-10.4 of the North Dakota Century Code, relating to military identification numbers on antique military vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-10.4 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.4. Antique motor vehicles - License and fee - Use.

1. Any motor vehicle which is at least forty years old may be permanently licensed by the department upon the payment of a registration fee of ten dollars. The department shall design and issue a distinctive number plate for this purpose. In lieu of the distinctive number plate, the owner of the motor vehicle may, at the discretion of the director, display on the motor vehicle a number plate from the year in which the motor vehicle was manufactured or in the case of military vehicles, military identification numbers. The number plate from the year of manufacture or military identification numbers may not be used in lieu of a distinctive number plate when it would create a duplication of a number in the recordkeeping system of the department. A number plate from the year of manufacture or military identification numbers must be legible and must be restored to the satisfaction of the department. Notwithstanding section 39-04-11, only one number plate needs to be displayed on a motor vehicle licensed under this subsection. Motor vehicles registered under the provisions of this section may not be used in the routine functions of a business or farming operation.
2. Any motor vehicle which is at least forty years old may, if not licensed under subsection 1, be permanently licensed using a personalized plate issued under section 39-04-10.3, in which case a one-time fee of one hundred dollars is due.

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 322**SENATE BILL NO. 2149**

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact sections 39-04-10.8, 39-04-10.11, and 39-04-10.12, subsection 3 of section 39-04-10.13, sections 39-04-14 and 39-04-14.1, subdivision j of subsection 2 of section 39-04-18, subsection 3 of section 39-04-19, and sections 39-04-22, 39-04-23, and 39-04-26 of the North Dakota Century Code, relating to motor vehicle registered gross weight.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-10.8 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.8. National guard number plates. The director, in cooperation with the adjutant general, shall issue distinctive number plates to members of the national guard. A plate issued under this section must bear the national guard insignia designated by the adjutant general and the letters "NG" before the number. The director may issue the plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which does not exceed ~~ten~~ twenty thousand pounds [4535.92 9071.84 kilograms]. On request of the director, the adjutant general shall certify those members of the national guard eligible to receive the plates. On payment of all other fees required under this chapter for registration of the motor vehicle, and payment of an additional fee of not more than five dollars to cover the cost of issuing the distinctive number plates, the applicant is entitled to issuance of the distinctive number plates. A registrant is eligible for distinctive number plates under this section if the registrant is a member of the national guard or if the registrant has retired from the national guard after twenty years or more of military service. On termination of the registrant's eligibility, the registrant shall return the distinctive number plates to the director, who shall reissue for a fee of not more than five dollars another number plate to which that registrant is entitled under this chapter. The director and adjutant general shall cooperate in establishing procedures to implement this section.

SECTION 2. AMENDMENT. Section 39-04-10.11 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.11. Firefighter's association plates. The director, in cooperation with the North Dakota firefighter's association, shall design a decorative decal that contains an insignia representing service in the pursuit of firefighting and which is to be placed on a distinctive number plate. On payment of all other fees required under this chapter for registration of the motor vehicle, and payment of an additional annual fee of fifteen dollars for deposit in the highway fund, the applicant is entitled to issuance of the decals and plates. However, the director may not issue the decal and plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [4535.92 9071.84 kilograms]. A registrant is eligible for distinctive number plates under this section if the registrant is a member of the North Dakota firefighter's association. On request of the director, the North Dakota firefighter's association shall certify those members of the North Dakota firefighter's association eligible to receive the decals and plates.

On termination of the registrant's eligibility, the registrant shall return the decals and plates to the director, who shall reissue for a fee of not more than five dollars another number plate to which that registrant is entitled under this chapter. The director and the North Dakota firefighter's association shall cooperate in establishing procedures to implement this section.

SECTION 3. AMENDMENT. Section 39-04-10.12 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.12. North Dakota future farmers of America foundation number plates. The director shall design a decorative decal that contains the insignia of the North Dakota FFA foundation to be placed on a distinctive number plate. On payment of all other fees required under this chapter for registration of the motor vehicle and payment of an additional fee of ten dollars, the applicant is entitled to issuance of the decals and plates. However, the director may not issue the decals and plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms].

SECTION 4. AMENDMENT. Subsection 3 of section 39-04-10.13 of the North Dakota Century Code is amended and reenacted as follows:

3. Upon proper application for a plate in the organization number plate program and payment of all other fees required under this chapter for registration of the motor vehicle and payment of an additional annual fee of twenty-five dollars, a qualified applicant is entitled to issuance of a certain organization number plate. However, the director may not issue the plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms].

SECTION 5. AMENDMENT. Section 39-04-14 of the North Dakota Century Code is amended and reenacted as follows:

39-04-14. Renewal of registration. Every vehicle registration, except those described in section 39-04-14.1, under this chapter expires on December thirty-first each year and must be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year. An owner who has made proper application for renewal of registration of a vehicle previous to January first but who has not received the number plates, plate, or registration card for the ensuing year is entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time, to be prescribed by the department, as may be required for the issuance of the new plates. If a previously registered motor vehicle whose registered gross weight exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] is purchased during the period the vehicle's registration in this state is expired, the registration fee must be prorated on a monthly basis from the date of purchase to January first.

SECTION 6. AMENDMENT. Section 39-04-14.1 of the North Dakota Century Code is amended and reenacted as follows:

39-04-14.1. Renewal of registration of motor vehicles under certain weight. Except as otherwise provided in this section, the registration of a motor vehicle whose registered gross weight does not exceed ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] expires on the last day of the month which is the

anniversary of the month it was originally registered. The registration may be renewed annually on application by the owner and payment of fees required by law. The renewal takes effect on the first day of the first month of the registration period. An owner of more than one vehicle qualifying for staggered registration under this section may renew all of the owner's vehicles in the same month. The director shall prorate the registration fees accordingly. If a previously registered motor vehicle whose registered gross weight does not exceed ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] is purchased during the period the vehicle's registration in this state is expired, the department shall collect the annual registration fee under section 39-04-19 and shall issue registration that expires on the last day of the month that is the anniversary of the month the vehicle was purchased.

SECTION 7. AMENDMENT. Subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code is amended and reenacted as follows:

- j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901] or who has a one hundred percent service-connected disability as determined by the department of veterans' affairs who is entitled to display a distinctive license plate issued by the department upon the payment of a fee of five dollars. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time.

¹²⁸ **SECTION 8. AMENDMENT.** Subsection 3 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] registered gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.

SECTION 9. AMENDMENT. Section 39-04-22 of the North Dakota Century Code is amended and reenacted as follows:

39-04-22. Motor vehicle exceeding registered gross weight for which licensed not to be operated on highway - Exception. Except as otherwise provided by law, a motor vehicle, or a combination of motor vehicles, may not be operated upon the highways of this state when the gross weight exceeds the registered gross weight for which the vehicle or combination of vehicles was licensed. Any person violating the provisions of this section will be required to license such motor vehicle at the higher legal rate in accordance with the weight carried by the motor vehicle at the time of the violation for the entire license period. However, such registration may not be construed to authorize the movement of loads in violation of chapter 39-12.

¹²⁸ Section 39-04-19 was also amended by section 1 of House Bill No. 1153, chapter 326, and section 17 of Senate Bill No. 2012, chapter 40.

SECTION 10. AMENDMENT. Section 39-04-23 of the North Dakota Century Code is amended and reenacted as follows:

39-04-23. Registered motor vehicle transporting property may change registration to higher or lower registered gross weight. Any owner of a motor vehicle transporting property who has licensed the vehicle for any gross weight limitations may change the registration to a higher registered gross weight limitation by the payment of the difference between the fee required for the new registration and the fee paid for the registration under which the vehicle is being operated. The fee must equal one-twelfth of the annual higher registration fee less one-twelfth of the registration fee already paid, the difference multiplied by the number of whole and partial calendar months remaining in the registration period. In no event may the fee be less than five dollars.

SECTION 11. AMENDMENT. Section 39-04-26 of the North Dakota Century Code is amended and reenacted as follows:

39-04-26. Registration of vehicles transporting property - Based on registered gross weight - Minimum gross weight - Exemption. The registration and license fee for a motor vehicle or for any lawful combination of motor vehicles used for the transportation of property must be based upon the registered gross weight of the motor vehicle or combination of vehicles. The minimum gross weight for which the motor vehicle or combination of motor vehicles can be licensed is double the unloaded weight of the motor vehicle or combination of vehicles and, subject to the minimum, the owner of any motor vehicle or combination of vehicles in the application for license shall set out the gross weight for which the owner desires a license. The gross weight of any trailer, semitrailer, or farm trailer may not be included in the minimum gross weight for which a vehicle must be licensed when the vehicle or combination of vehicles is not for hire and when the gross weight of the trailer, semitrailer, or farm trailer being towed does not exceed twenty-four thousand pounds [10886.22 kilograms].

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 323

HOUSE BILL NO. 1414

(Representatives L. Meier, Dosch, Grande, Nathe)
(Senators Dever, Lyson)

AN ACT to create and enact section 39-04-10.14 of the North Dakota Century Code, relating to the issuance of special plates for surviving family members of fallen members of the United States military.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 39-04-10.14 of the North Dakota Century Code is created and enacted as follows:

39-04-10.14. North Dakota Gold Star number plates - Definition - Description - Fee.

1. The director may issue distinctive number plates to a surviving spouse, parent, including stepmother, stepfather, parent through adoption, and foster parent who stands or stood in loco parentis, grandparents, child, including stepchild and child through adoption, and sibling, including half-brother and half-sister, of a member of the armed forces of the United States who died while serving on active duty during a time of military conflict. The director shall issue a number plate under this section upon receiving:
 - a. Payment of all other fees required under this chapter for registration of a motor vehicle;
 - b. Payment of an initial fee of fifteen dollars, of which ten dollars is to be deposited in the highway tax distribution fund and five dollars is to be deposited in the veterans' cemetery maintenance fund; and
 - c. Verification of subsequent payments of an annual surcharge of ten dollars paid to the adjutant general.
2. The department shall collect the fees and the ten dollar surcharge under this section. The department shall report to the legislative assembly on the funds collected under this section during each legislative session. The department shall pay the funds collected for the veterans' cemetery and adjutant general to the adjutant general monthly. Within ten days of receipt of the funds, the adjutant general shall deposit five dollars of each initial fee in the veterans' cemetery maintenance fund and shall apportion the ten dollar surcharge and deposit five dollars in the veterans' cemetery trust fund and five dollars in the veterans' cemetery maintenance fund in the state treasury. The state treasurer may invest the fund in the same manner as the state investment board is authorized to make investments. At the request of the adjutant general, the interest in the veterans' cemetery trust fund must be deposited in the veterans' cemetery maintenance fund for the purpose of funding salaries and maintenance of the veterans' cemetery.

3. Plates issued under this section must bear a gold star emblem logo on the left side of the plate and the letters "GS" before the number. The director shall cooperate with the director of the department of veterans' affairs to design the gold star emblem logo. The director may issue one set of plates per eligible owner of a passenger motor vehicle or a truck the registered gross weight of which does not exceed twenty thousand pounds [4535.92 kilograms].
4. On request of the director, the department of veterans' affairs shall certify those surviving family members of deceased members of the United States armed forces listed above as eligible to receive the plates.
5. Once declared eligible for a Gold Star plate, the department may not remove the eligibility of a surviving family member.
6. Once a plate number is issued to an eligible family member, the department may not assign the plate to another eligible person.

Approved March 19, 2009
Filed March 24, 2009

CHAPTER 324**SENATE BILL NO. 2148**

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to create and enact section 39-04-14.3 of the North Dakota Century Code, relating to online renewal receipts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 39-04-14.3 of the North Dakota Century Code is created and enacted as follows:

39-04-14.3. Online registration renewal receipt showing compliance with registration is prima facie evidence. The possession of a receipt, via the department's online registration renewal service, is prima facie evidence of compliance with motor vehicle registration laws, with reference to the vehicle therein described, for a period of fifteen days from the date of the printed receipt.

Approved April 8, 2009

Filed April 9, 2009

CHAPTER 325

HOUSE BILL NO. 1133

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact sections 39-04-17 and 39-05-17 of the North Dakota Century Code, relating to certificates of notary showing registration requirements and transfer of title of a vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-17 of the North Dakota Century Code is amended and reenacted as follows:

39-04-17. Certificate of notary showing compliance with registration is prima facie evidence - Penalty. The possession of a certificate made out by a notary public or an authorized agent of a licensed vehicle dealer who took the acknowledgment of the application when the vehicle was first registered or required to be registered under the laws of this state, if such certificate shows the date of application, the make, registered weight, and year model of the motor vehicle, the manufacturer's number of the motor vehicle which such application describes, and further shows that such notary public, or authorized agent of a vehicle dealer, personally mailed the application with the remittance fee, is prima facie evidence of compliance with motor vehicle law with reference to the vehicle therein described, for a period of ~~thirty~~ forty-five days from the date of such application. Any violation of this section is an infraction punishable by a fine of not less than fifty dollars.

SECTION 2. AMENDMENT. Section 39-05-17 of the North Dakota Century Code is amended and reenacted as follows:

39-05-17. Transfer of title of vehicle - Endorsement required - Certificate of title delivered - New certificate obtained - Penalty.

1. The owner or transferor of a motor vehicle who transfers title to a vehicle shall endorse an assignment and warranty of title upon the certificate of title for the vehicle. The owner or transferor shall include on the assignment and warranty of title the name of the transferee and the selling price of the vehicle if applicable.
2. If legal title passes to the transferee, the owner shall deliver the endorsed certificate of title to the transferee within fifteen days.
3. If legal title passes to a lienholder rather than the transferee, the transferee shall endorse a statement that the lienholder holds the lien and shall send the certificate of title to the department with an application for a new certificate of title showing the names of the new owner and lienholder. The certificate of title when issued must be sent by the department to the lienholder or the department may use an electronic lien notification procedure in lieu of sending a certificate of title to a lienholder.

4. Within thirty days ~~after receipt~~, the transferee shall deliver the endorsed certificate of title to the department with a transfer fee of five dollars, and shall make an application for a new certificate of title. In addition to any other penalty, the registration to a motor vehicle may be suspended or revoked if the transferee fails to present the endorsed certificate of title to the department for transfer and make application for a new certificate of title within thirty days. The department shall deliver the new certificate of title to the lienholder with priority. If there is no lienholder, delivery must be made to the owner.
5. A violation of this section by an owner, lienholder, or transferee is a class B misdemeanor.

Approved April 16, 2009
Filed April 17, 2009

CHAPTER 326

HOUSE BILL NO. 1153

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 1 of section 39-04-19, sections 39-04-39.3 and 39-05-30, and subsection 3 of section 39-16-10 of the North Dakota Century Code, relating to deposit of mile tax fees, motor vehicle registration fee collection agreements with home rule cities, payment of salary and expenses, and payments and refunds from funds on deposit with the Bank of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁹ **SECTION 1. AMENDMENT.** Subsection 1 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 2. AMENDMENT. Section 39-04-39.3 of the North Dakota Century Code is amended and reenacted as follows:

39-04-39.3. Motor vehicle registration fee collection agreements with home rule cities. The governing body of any incorporated city that has adopted the home rule provisions of chapter 40-05.1 and the department may enter into contractual agreements under which the department may collect any motor vehicle registration fees assessed by the city. Agreements entered into under this section must provide for an agreed-upon amount to be allowed the department for services rendered in connection with the collections. Any agreed-upon amount collected must be deposited in the motor vehicle registration fund. The department shall deposit with the state treasurer all money collected under this section and shall accompany each remittance with a certificate showing the city for which it was collected. The state treasurer, quarterly, shall pay to the city auditors of the several cities the money to which they are entitled under this section. ~~Agreements entered into under this section must provide for an agreed amount to be allowed the department for services rendered in connection with the collections. Any sums collected for services rendered must be paid to the state treasurer for deposit in the motor vehicle registration fund.~~

SECTION 3. AMENDMENT. Section 39-05-30 of the North Dakota Century Code is amended and reenacted as follows:

¹²⁹ Section 39-04-19 was also amended by section 17 of Senate Bill No. 2012, chapter 40, and section 8 of Senate Bill No. 2149, chapter 322.

39-05-30. Fees and revenues collected placed in highway tax distribution fund - Payment of salaries and expenses. All fees and revenues received by the director under the provisions of this chapter must be deposited by the director in the state treasury. Such moneys must be placed in the highway tax distribution fund. All salaries and other expenses incurred in connection with the provisions of this chapter must be paid out of the highway tax distribution motor vehicle registration fund in the manner provided by law for the disbursement of said fund.

SECTION 4. AMENDMENT. Subsection 3 of section 39-16-10 of the North Dakota Century Code is amended and reenacted as follows:

3. All payments and refunds made from cash deposits in the Bank of North Dakota under this chapter must be made upon a warrant-check issued by the office of management and budget department of transportation after submission of a duly authorized voucher signed by the director and approved by the office of the budget.

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 327**HOUSE BILL NO. 1301**

(Representative Ruby)
(Senator Nodland)

AN ACT to create and enact sections 39-05-35 and 47-10-26 of the North Dakota Century Code, relating to the conversion of manufactured homes to real property and the affixation of manufactured homes to real property and the conveyance and encumbrance of manufactured homes as real property; and to amend and reenact sections 11-18-02.2, 35-01-05.1, 39-05-01, 39-05-02.2, 39-05-09, 39-05-09.2, 39-05-19, 39-05-20, 39-05-22, 47-01-03, 57-02-04, and 57-55-01 and subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to manufactured homes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-18-02.2 of the North Dakota Century Code is amended and reenacted as follows:

11-18-02.2. Statements of full consideration to be filed with state board of equalization or recorder - Procedure - Secrecy of information - Penalty.

1. Any grantee or grantee's authorized agent who presents a deed in the office of the county recorder shall certify on the face of the deed any one of the following:
 - a. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the state board of equalization.
 - b. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the recorder.
 - c. A statement of the full consideration paid for the property conveyed.
 - d. A statement designating one of the exemptions in subsection 6 7 which the grantee believes applies to the transaction.
2. Any party who presents an affidavit of affixation to real property of a manufactured home in the office of the county recorder in accordance with section 47-10-26 and who acquired the manufactured home before the affixation of the manufactured home to the real property shall either contain in or present in addition to the affidavit of affixation any one of the following:
 - a. A statement that the party has filed with the state board of equalization a report of the full consideration paid for the manufactured home before the affixation.

- b. A statement that the party has filed with the recorder a report of the full consideration paid for the manufactured home before the affixation.
 - c. A statement of the full consideration paid by the party for the manufactured home before the affixation.
- 3. ~~The recorder shall~~ may not record any deed unless it the deed contains one of the statements required by subsection 1 or record any affidavit of affixation unless the affidavit contains or is accompanied by one of the statements required by subsection 2.
- ~~3.~~ 4. The recorder shall accumulate and at least monthly forward to the state board of equalization a report containing the information filed in the recorder's office pursuant to subsection 1 or subsection 2.
- 4. 5. The state board of equalization shall prescribe the necessary forms for the statements and reports to be used in carrying out the purposes of this section, and the forms will must contain a space for the explanation of special circumstances which that may have contributed to the amount of the consideration.
- ~~5.~~ 6. ~~For purposes of this section subsection 1,~~ the word "deed" means an instrument or writing whereby any real property or interest therein shall be is granted, conveyed, or otherwise transferred to the grantee, purchaser, or other person, except any instrument or writing which that transfers any ownership in minerals or interests in minerals underlying land if that ownership has been severed from the ownership of the overlying land surface or any instrument or writing for the easement, lease, or rental of real property or any interest therein.
- ~~6.~~ 7. ~~The provisions of this~~ This section does not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
 - a. Property owned or used by public utilities.
 - b. Property classified as personal property.
 - c. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
 - d. A sale which that resulted as a settlement of an estate.
 - e. All sales to or from a government or governmental agency.
 - f. All forced sales, mortgage foreclosures, and tax sales.
 - g. All sales to or from religious, charitable, or nonprofit organizations.
 - h. All sales when there is an indicated change of use by the new owners.
 - i. All transfer of ownership of property for which is given a quitclaim deed.

- j. Sales of property not assessable by law.
 - k. Agricultural lands of less than eighty acres [32.37 hectares].
 - l. A transfer that is pursuant to a judgment.
- 7- 8. The state board of equalization shall guard the secrecy of information contained on statements filed with the board ~~pursuant to under~~ subsection 1 or subsection 2, and any information contained on statements and any information provided by local officials ~~shall~~ must be limited to ~~such data as is~~ necessary to perform their official duties and shall may not include the names of any grantors or grantees to deeds or of any parties to affidavits of affixation. Any reports made available to the public must be made in a manner that will not reveal the names of any grantors ~~or~~ grantees, or parties. The recorder shall guard the secrecy of information contained on reports filed in the recorder's office ~~pursuant to under~~ subdivision b of subsection 1 or subdivision b of subsection 2.
- 8- 9. Any person ~~who that~~ who, in the statements provided for in subsection 1 or subsection 2, willfully falsifies the consideration paid for the transferred real property or the manufactured home, as applicable, or interest therein or ~~who that~~ who falsely certifies that the person has filed a report of full consideration with the state board of equalization is guilty of a class B misdemeanor.

SECTION 2. AMENDMENT. Section 35-01-05.1 of the North Dakota Century Code is amended and reenacted as follows:

35-01-05.1. When security interest in vehicle valid.

1. No security interest, including a security interest under chapter 41-09, in a vehicle, including a manufactured home, which is not inventory held for sale is valid as against subsequent purchasers and encumbrances of the property in good faith and for value unless the security interest is clearly indicated upon the certificate of title to the vehicle or unless such certificate of title is in the possession of the secured party, provided, however, that a purchase money security interest under chapter 41-09 in a manufactured home is perfected against the rights of judicial lien creditors and execution creditors on and after the date the purchase money security interest attaches, and provided further the holder of a security interest in or a lien on a manufactured home may deliver lien release documents to a person to facilitate conveying or encumbering the manufactured home. A person receiving documents so delivered holds the documents in trust for the security interest holder or the lienholder.
2. Except as otherwise provided in section 47-10-26 and in subsections 1 and 2 of section 39-05-35, after a certificate of title has been issued for a manufactured home and as long as the manufactured home is subject to a security interest perfected under this section, the department may not file an affidavit of affixation, cancel the manufacturer's certificate of origin, or revoke the certificate of title, and the validity and priority of a security interest perfected under this section continues, notwithstanding any other provision of law.

3. The term "manufactured home" as used in subsections 1 and 2 is a manufactured home as defined in section 41-09-02, excluding a manufactured home with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied.
4. The term "vehicle" as used in this section includes any vehicle for which a certificate of title is required under title 39 or other statutes of this state.
5. With respect to a manufactured home that is or will be permanently affixed to real property, upon recordation of an affidavit of affixation under section 47-10-26 and satisfaction of the requirements of subsections 1 through 3 of section 39-05-35, as applicable, a perfection or termination of a security interest with respect to the permanently affixed property is governed by chapter 47-10.

SECTION 3. AMENDMENT. Section 39-05-01 of the North Dakota Century Code is amended and reenacted as follows:

39-05-01. Definition Definitions. In this chapter, unless the context or subject matter otherwise requires, "motor vehicle" includes a housetrailer or mobile home and ~~any~~ a semitrailer designed to be towed by a truck tractor and "manufactured home" means a manufactured home as defined in section 41-09-02.

SECTION 4. AMENDMENT. Section 39-05-02.2 of the North Dakota Century Code is amended and reenacted as follows:

39-05-02.2. Exclusions from the certificate of title requirement. No certificate of title need be obtained for:

1. A vehicle owned by the United States unless it is registered in this state.
2. A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing.
3. A vehicle owned by a nonresident of this state and not required by law to be registered in this state.
4. A vehicle regularly engaged in interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state.
5. A vehicle moved solely by human or animal power.
6. Implements of husbandry.
7. Special mobile equipment.
8. A self-propelled invalid wheelchair or invalid tricycle.
9. Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The

vehicle shall cross the highway at an angle of approximately ninety degrees to the direction of the highway.

10. Other vehicles not required to be registered in this state or not required to display distinctive plates.
11. A manufactured home with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied.

SECTION 5. AMENDMENT. Section 39-05-09 of the North Dakota Century Code is amended and reenacted as follows:

39-05-09. Issuance, contents, delivery, and term of certificate.

1. After checking the application for a certificate as provided in section 39-05-08 and except as provided in subsection 4, the department, if it is satisfied that the applicant is the person entitled to the possession of the vehicle, shall issue a certificate of title which must contain:
 - a. The name of the owner.
 - b. The vehicle identification number.
 - c. The signature of the director.
 - d. The date issued.
 - e. A description of the vehicle as determined by the department.
 - f. A statement of the owner's title and of all liens or encumbrances upon the vehicle therein described and whether possession is held by the owner or lienholder.
2. Upon the reverse side of such certificate must be contained forms for the assignment of title or interest and warranty thereof by the owner with a space for the notation of liens and encumbrances upon such vehicle at the time of a transfer.
3. The amount of any lien or encumbrance upon the vehicle need not be shown anywhere on the certificate of title, only the fact of such lien or encumbrance, and the identity of the lienholder or encumbrancer. The department shall deliver the certificate of title to the owner or first lienholder. The certificate is good for the life of the vehicle as long as the vehicle is owned or held by the original holder of the certificate.
4. The department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-26.
5. The holder of a manufacturer's certificate of origin to a manufactured home may deliver it to a person to facilitate conveying or encumbering the manufactured home. A person receiving a manufacturer's certificate of origin so delivered holds the certificate in trust for the person delivering the certificate.

6. Notwithstanding any other provision of law, a certificate of title issued by the department for a manufactured home is prima facie evidence of the facts appearing on the certificate, notwithstanding that the manufactured home, at any time, becomes affixed in any manner to real property.

SECTION 6. AMENDMENT. Section 39-05-09.2 of the North Dakota Century Code is amended and reenacted as follows:

39-05-09.2. Suspension or revocation of certificates of title.

1. The department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with chapter 28-32, when authorized by any other provision of law or if it finds:
 - a. The certificate of title was fraudulently procured or erroneously issued;
 - b. The vehicle has been scrapped, dismantled, or destroyed; or
 - c. A person has acquired a vehicle but has failed to transfer the ownership as required by this chapter.
2. For purposes of this section, the following apply:
 - a. Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.
 - b. When the department suspends or revokes a certificate of title, the owner or person in possession of it shall immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.
 - c. The department may seize and impound any certificate of title which has been suspended or revoked.
3. Except as provided in subsection 2 of section 39-05-35, the department may not suspend or revoke a certificate of title to a manufactured home by reason of the fact that at any time the manufactured home becomes affixed in any manner to real property.

SECTION 7. AMENDMENT. Section 39-05-19 of the North Dakota Century Code is amended and reenacted as follows:

39-05-19. Obtaining certificate of title for vehicle when ownership obtained by other than voluntary means. Whenever the ownership of any vehicle passes otherwise than by voluntary transfer, the transferee may obtain a certificate of title for the vehicle from the department upon application for the certificate and payment of a fee of five dollars. The application for the certificate must be accompanied by instruments or documents of authority, or copies thereof, as may be required by law to evidence or effect a transfer of title in or to chattels in such case. The department, when satisfied of the genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto, provided that the department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-26.

SECTION 8. AMENDMENT. Section 39-05-20 of the North Dakota Century Code is amended and reenacted as follows:

39-05-20. Transferee may obtain new certificate of title upon inability to obtain old certificate - Proof of ownership - Appeal.

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, provided that the department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-26. Satisfactory proof of ownership must include compliance by the transferee with the procedures outlined in title 35. The department may establish procedures for determining satisfactory proof of ownership of a vehicle in those cases when 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.
2. A person holding a certificate of title whose interests in the vehicle have been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate. The action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of the owner or lienholder listed in the old certificate.

SECTION 9. AMENDMENT. Section 39-05-22 of the North Dakota Century Code is amended and reenacted as follows:

39-05-22. Department to maintain file of surrendered certificates of title - Purpose - Records. The department shall retain and appropriately file every surrendered certificate of title, such file to be maintained to permit the tracing of title of vehicles designated therein.

1. The department shall file, upon receipt, each affidavit of affixation relating to a manufactured home that is delivered in accordance with section 47-10-26 when satisfied of the affidavit's genuineness and regularity.
2. The department shall maintain a record of each affidavit of affixation filed in accordance with subsection 1. The record must state the name of each owner of the related manufactured home, the county of recordation, the date of recordation, the book and page number of each book of records in which there has been recorded an affidavit of affixation under section 47-10-26, and any other information the department prescribes.
3. The department shall file, upon receipt, each application for surrender of the manufacturer's certificate of origin relating to a manufactured home that is delivered in accordance with subsection 1 of section 39-05-35, when satisfied of the application's genuineness and regularity.

4. The department shall file, upon receipt, each application for surrender of the certificate of title relating to a manufactured home that is delivered in accordance with subsection 2 of section 39-05-35, when satisfied of the application's genuineness and regularity.
5. The department shall file, upon receipt, each application for confirmation of conversion relating to a manufactured home that is delivered in accordance with subsection 3 of section 39-05-35, when satisfied of the application's genuineness and regularity.
6. The department shall maintain a record of each manufacturer's certificate of origin accepted for surrender as provided in subsection 1 of section 39-05-35. The record must state the name of each owner of the manufactured home, the date the manufacturer's certificate of origin was accepted for surrender, the county of recordation, the date of recordation, the book and page number of each book of records in which there has been recorded an affidavit of affixation under section 47-10-26, and any other information the department prescribes.
7. The department shall maintain a record of each manufactured home certificate of title accepted for surrender as provided in subsection 2 of section 39-05-35. The record must state the name of each owner of the manufactured home, the date the certificate of title was accepted for surrender, the county of recordation, the date of recordation, the book and page number of each book of records in which there has been recorded an affidavit of affixation under section 47-10-26, and any other information the department prescribes.
8. The department shall maintain a record of each application for confirmation of conversion accepted as provided in subsection 3 of section 39-05-35. The record must state the name of each owner of the manufactured home, the county of recordation, the date of recordation, the book and page number of each book of records in which there has been recorded an affidavit of affixation under section 47-10-26, and any other information the department prescribes.
9. Such file of surrendered certificates of title and the records referred to in subsections 6, 7, and 8 must be maintained for a period of five years or for such further time that the director may determine.

SECTION 10. Section 39-05-35 of the North Dakota Century Code is created and enacted as follows:

39-05-35. Manufactured homes - Conversion to real property - Procedure - Rules.

1. a. The owner or, if there is more than one owner, all owners, of a manufactured home that is covered by a manufacturer's certificate of origin which the owner is able to produce and that is permanently affixed to real property as defined in subsection 1 of section 47-10-26, or which the owner intends to permanently affix to real property as defined in subsection 1 of section 47-10-26, may surrender the manufacturer's certificate of origin to the manufactured home to the department by filing with the department an application for surrender of manufacturer's certificate of origin containing or accompanied by:

- (1) The name, residence, and mailing address of the owner;
 - (2) A description of the manufactured home, including the name of the manufacturer, the make, the model name, the model year, the dimensions, the manufacturer's serial number of the manufactured home, whether the manufactured home is new or used, and any other information the department requires;
 - (3) The date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired, and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;
 - (4) A statement, signed by the owner, stating either:
 - (a) Any facts or information known to the owner that may affect the validity of the title to the manufactured home or the existence or nonexistence of a security interest in or lien on the manufactured home; or
 - (b) That no such facts or information are known to the owner;
 - (5) A copy of the recorded affidavit of affixation as provided in accordance with subsection 5 of section 47-10-26;
 - (6) The original manufacturer's certificate of origin;
 - (7) The name and mailing address of each person wishing written acknowledgment of surrender from the department;
 - (8) The applicable fee for filing the application for surrender; and
 - (9) Any other information and documents the department reasonably requires to identify the owner of the manufactured home and to enable the department to determine whether the owner satisfied the requirements of subdivisions a through c of subsection 6 of section 47-10-26 and is entitled to surrender the manufacturer's certificate of origin and the existence or nonexistence of security interests in or liens on the manufactured home.
- b. When satisfied of the genuineness and regularity of the surrender of a manufacturer's certificate of origin to a manufactured home and upon satisfaction of the requirements of subdivision a, the department shall:
- (1) Cancel the manufacturer's certificate of origin and update the department's records in accordance with the provisions of section 39-05-22; and
 - (2) Provide written acknowledgment of compliance with the provisions of this section to each person identified on the

application for confirmation of conversion containing or accompanied by:

- (1) The name, residence, and mailing address of the owner;
- (2) A description of the manufactured home, including the name of the manufacturer, the make, the model name, the model year, the dimensions, the manufacturer's serial number of the manufactured home, whether the manufactured home is new or used, and any other information the department requires;
- (3) The date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired, and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;
- (4) A statement, signed by the owner, stating either:
 - (a) Any facts or information known to the owner that could affect the validity of the title to the manufactured home or the existence or nonexistence of a security interest in or lien on the manufactured home; or
 - (b) That no such facts or information are known to the owner;
- (5) A recorded copy of the affidavit of affixation as provided in accordance with subsection 5 of section 47-10-26;
- (6) A sworn declaration by an attorney duly admitted to practice in this state or an agent of a title insurance company duly licensed to issue policies of title insurance in this state that the manufactured home is free and clear of, or has been released from, all recorded security interests, liens, and encumbrances; and
 - (a) Any facts or information known to that person that could affect the validity of the title of the manufactured home or the existence or nonexistence of any security interest in or lien on the manufactured home; or
 - (b) That no such facts or information are known to that person;
- (7) The name and mailing address of each person wishing written acknowledgment of surrender from the department;
- (8) The applicable fee for filing the application for surrender; and
- (9) Any other information and documents the department reasonably requires to identify the owner of the manufactured home and to enable the department to determine whether the owner satisfied the requirements of subdivisions a through c of subsection 6 of section 47-10-26

and the existence or nonexistence of security interests in or liens on the manufactured home.

- b. When satisfied of the genuineness and regularity of the application for confirmation of conversion of a manufactured home and upon satisfaction of the requirements of subdivision a, the department shall:
 - (1) Update its records in accordance with the provisions of section 39-05-22; and
 - (2) Provide written acknowledgment of compliance with the provisions of this subsection to each person identified on the application for confirmation of conversion under paragraph 7 of subdivision a.
 - c. Upon satisfaction of the requirements of this subsection, a manufactured home must be conveyed or encumbered as provided in chapter 47-10. If the application for confirmation of conversion of a manufactured home is delivered to the department within sixty days of recording the related affidavit of affixation with the recorder in the county in which the real property to which the manufactured home is or will be affixed and the application is thereafter accepted by the department, the requirements of this subsection are deemed satisfied as of the date the affidavit of affixation was recorded.
 - d. Upon written request, the department shall provide written acknowledgment of compliance with the provisions of this subsection.
4. The department may adopt rules to implement the provisions of this section.

SECTION 11. AMENDMENT. Section 47-01-03 of the North Dakota Century Code is amended and reenacted as follows:

47-01-03. Real property defined. Real or immovable property shall consist of:

1. Land;
2. That which is affixed to land, including manufactured homes as defined in section 41-09-02 with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied;
3. That which is incidental or appurtenant to land; and
4. That which is immovable by law.

SECTION 12. Section 47-10-26 of the North Dakota Century Code is created and enacted as follows:

47-10-26. Manufactured homes - Affixation to real property - Conveyance or encumbrance as real property.

1. For purposes of this section, "manufactured home" means a manufactured home as defined in section 41-09-02. Notwithstanding this definition, for purposes of 11 U.S.C. 1322(b)(2), a manufactured home is deemed real property. For purposes of this section, a manufactured home is permanently affixed if the manufactured home is anchored to real property by attachment to a permanent foundation; constructed in accordance with applicable state and local building codes and manufacturer's specifications as provided in title 24, Code of Federal Regulations, part 3285; and connected to residential utilities, such as water, gas, electricity, or sewer or septic service.
2. To convey or voluntarily encumber a manufactured home as real property, the following conditions must be met:
 - a. The manufactured home must be permanently affixed to real property;
 - b. The ownership interests in the manufactured home and the real property to which the manufactured home is or will be permanently affixed must be identical, provided, however, that the owner of the manufactured home, if not the owner of the real property, is in possession of the real property under the terms of a lease in recordable form that has a term that continues for at least twenty years after the date of execution and the consent of the lessor of the real property;
 - c. The person having an ownership interest in the manufactured home shall execute and record with the recorder of the county in which the real property is located an affidavit of affixation as provided in subsection 3 and satisfies the other applicable requirements of this section; and
 - d. Upon receipt of a recorded copy of the affidavit of affixation under subsection 5, a person designated in the affidavit for filing with the department of transportation shall file the recorded copy of the affidavit of affixation with the department of transportation, except that:
 - (1) In a circumstance described in item 1 of subparagraph a of paragraph 4 of subdivision a of subsection 3, the recorded copy of the affidavit of affixation and the original manufacturer's certificate of origin, each as recorded in the county in which the real property is located, must be filed with the department of transportation under subsection 1 of section 39-05-35;
 - (2) In a circumstance described in item 1 of subparagraph b of paragraph 4 of subdivision a of subsection 3, the recorded copy of the affidavit of affixation, as recorded in the county in which the real property is located, and the original certificate of title must be filed with the department of transportation under subsection 2 of section 39-05-35; and
 - (3) In a circumstance described in item 2 of subparagraph a of paragraph 4 of subdivision a of subsection 3, item 2 of subparagraph b of paragraph 4 of subdivision a of

subsection 3, or paragraph 6 of subdivision a of subsection 3, the recorded copy of the affidavit of affixation, as recorded in the county in which the real property is located, and an application for confirmation of conversion must be filed with the department of transportation under subsection 3 of section 39-05-35.

3. a. An affidavit of affixation must contain or be accompanied by:
- (1) The name of the manufacturer, the make, the model name, the model year, the dimensions, the manufacturer's serial number of the manufactured home, and whether the manufactured home is new or used;
 - (2) (a) A statement that the party executing the affidavit is the owner of the real property described in the affidavit; or
 - (b) If not the owner of the real property:
 - [1] A statement that the party executing the affidavit is in possession of the real property under the terms of a lease in recordable form that has a term that continues for at least twenty years after the date of execution of the affidavit; and
 - [2] The consent of the lessor of the real property endorsed upon or attached to the affidavit and acknowledged or proved in the manner as to entitle a conveyance to be recorded;
 - (3) The street address and the legal description of the real property to which the manufactured home is or will be permanently affixed;
 - (4) (a) If the manufactured home is not covered by a certificate of title, a statement by the owner to that effect, and either:
 - [1] A statement by the owner of the manufactured home that the manufactured home is covered by a manufacturer's certificate of origin, the date the manufacturer's certificate of origin was issued, the manufacturer's serial number, and a statement that annexed to the affidavit of affixation is the original manufacturer's certificate of origin for the manufactured home, duly endorsed to the owner of the manufactured home, and that the owner of the manufactured home will surrender the manufacturer's certificate of origin to the department of transportation; or
 - [2] A statement that the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home

and that the owner of the manufactured home will apply to the department of transportation for a confirmation of conversion of the manufactured home; or

- (b) If the manufactured home is covered by a certificate of title, either:
 - [1] A statement by the owner of the manufactured home that the manufactured home is covered by a certificate of title, the date the title was issued, the title number, and that the owner of the manufactured home will surrender the title; or
 - [2] A statement that the owner of the manufactured home, after diligent search and inquiry, is unable to produce the certificate of title for the manufactured home and that the owner of the manufactured home will apply to the department of transportation for a confirmation of conversion of the manufactured home;
- (5) A statement whether the manufactured home is subject to one or more security interests or liens and:
 - (a) If the manufactured home is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home, including each holder shown on any certificate of title issued by the department of transportation, the original principal amount secured by each security interest or lien, and a statement that the security interest or lien will be released; or
 - (b) A statement that each security interest in or lien on the manufactured home, if any, has been released, together with due proof of each release;
- (6) If the manufactured home is not covered by a manufacturer's certificate of origin or a certificate of title, a statement by the owner of the manufactured home to that effect and that the owner of the manufactured home will apply to the department of transportation for a confirmation of conversion of the manufactured home;
- (7) A statement that the manufactured home is or will be permanently affixed to the real property;
- (8) If the party executing the affidavit acquired the manufactured home before the affixation of the manufactured home to the real property, that party shall complete one of the statements required by subsection 2 of section 11-18-02.2; and
- (9) The name and address of a person designated for filing the recorded copy of the affidavit of affixation with the

from ordinary building materials onsite. Title to the manufactured home must be transferred by deed or other form of conveyance that is effective to transfer an interest in real property, together with the land to which the structure has been affixed. The manufactured home is deemed to be real property and is governed by the laws applicable to real property.

8. Except as provided in subsections 3, 5, 6, and 7, an affidavit of affixation is not necessary or effective to convey or encumber a manufactured home or to change the character of the manufactured home to real property. A conveyance of land upon which is located a manufactured home for which an affidavit of affixation has been recorded does not effect a conveyance or encumbrance of any interest in the manufactured home. A conveyance or encumbrance may only be made under the provisions of chapter 39-05. An agreement by a party to the transaction whereby the requirements of this subsection are waived is void as contrary to public policy.
9. Nothing in this section impairs any rights existing under law before the effective date of this Act of anyone claiming an interest in a manufactured home.

SECTION 13. AMENDMENT. Section 57-02-04 of the North Dakota Century Code is amended and reenacted as follows:

57-02-04. Real property defined. Real property, for the purpose of taxation, includes:

1. The land itself, whether laid out in town lots or otherwise, and improvements to the land, such as ditching, surfacing, and leveling, except plowing and trees, and all rights and privileges thereto belonging or in anywise appertaining, and all mines, minerals, and quarries in and under the same and shall expressly include all such improvements made by persons to lands held by them under the laws of the United States, all such improvements to land the title to which still is vested in any railroad company and which is not used exclusively for railroad purposes, and improvements to land belonging to any other corporation or limited liability company whose property is not subject to the same mode and rule of taxation as other property.
2. All structures and buildings, including manufactured homes as defined in section 41-09-02 with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied, including systems for the heating, air-conditioning, ventilating, sanitation, lighting, and plumbing of such structures and buildings, and all rights and privileges thereto belonging or in anywise appertaining, but shall not include items which pertain to the use of such structures and buildings, such as machinery or equipment used for trade or manufacture which are not constructed as an integral part of and are not essential for the support of such structures or buildings, and which are removable without materially limiting or restricting the use of such structures or buildings.
3. Machinery and equipment, but not including small tools and office equipment, used or intended for use in any process of refining products from oil or gas extracted from the earth, but not including such

equipment or appurtenances located on leased oil and gas production sites.

SECTION 14. AMENDMENT. Section 57-55-01 of the North Dakota Century Code is amended and reenacted as follows:

57-55-01. Definition. For the purposes of this chapter, "mobile home" means a structure, either single or multisectional, which is built on a permanent chassis, ordinarily designed for human living quarters, either on a temporary or permanent basis, owned or used as a residence or place of business of the owner or occupant, which is either attached to utility services or is twenty-seven feet [8.23 meters] or more in length, and includes a manufactured home as defined in section 41-09-02 other than a manufactured home with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied. For purposes of this chapter, "utility services" means services purchased by the occupant from a utility company under the jurisdiction of the public service commission, a rural electric cooperative, or a political subdivision of the state.

¹³⁰ **SECTION 15. AMENDMENT.** Subsection 2 of section 57-55-10 of the North Dakota Century Code is amended and reenacted as follows:

2. This chapter does not apply to a mobile home that:
 - a. Is used only for the temporary living quarters of the owner or other occupant while the person is engaged in recreational or vacation activities, provided the unit:
 - (1) Displays a current travel trailer license; or
 - (2) Is a park model trailer that is used only for seasonal or recreational living quarters and not as a primary residence, and which is located in a trailer park or campground, and for which the owner has paid a park model trailer fee under section 39-18-03.2. For purposes of this paragraph, "park model" trailer means a recreational vehicle not exceeding forty feet [12.19 meters] in length which is primarily designed to provide temporary living quarters for recreation, camping, or seasonal use, is built on a single chassis, is mounted on wheels, has a gross trailer area not exceeding four hundred square feet [37.16 square meters] of enclosed living space in the setup mode, and is certified by the manufacturer as complying with American national standards institute standard A119.5.
 - b. Qualifies as a farm residence as described by subsection 15 of section 57-02-08, provided such mobile home is permanently attached to the ground a foundation.
 - c. Is permanently attached to a foundation and is assessed as real property, provided the owner of such mobile home also owns the

¹³⁰ Section 57-55-10 was also amended by section 3 of Senate Bill No. 2201, chapter 529.

land on which such mobile home is located or is in possession of the real property under the terms of a lease in recordable form which has a term that continues for at least twenty years after the date of execution with the consent of the lessor of the real property.

- d. Is owned by a licensed mobile home dealer who holds such mobile home solely for the purpose of resale, and provided that such mobile home is not used as living quarters or as the place for the conducting of any business.

Approved April 24, 2009

Filed April 29, 2009

CHAPTER 328

HOUSE BILL NO. 1132

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 2 of section 39-06-03, subsection 3 of section 39-06-19, subsection 1 of section 39-06.2-09, subsection 17 of section 39-06.2-10, section 39-20-03.1, subsection 2 of section 39-20-03.2, and subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to who may be licensed, distinguishing numbers on operator's licenses, content of commercial driver's licenses, disqualification and cancellation of commercial driver's licenses, action following test results of a resident operator, action following test result or refusal of a nonresident operator, and action following test results; and to repeal section 39-16-29 of the North Dakota Century Code, relating to seizure or return of an operator's license.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 39-06-03 of the North Dakota Century Code is amended and reenacted as follows:

2. To any person whose license has been suspended in this state or in any other state during such suspension, except as provided in section 39-06.1-03 or 39-06.1-11, nor to any person whose license has been revoked, except as provided in sections 39-06-35 ~~and~~, 39-06-36, and 39-06.1-11.

¹³¹ **SECTION 2. AMENDMENT.** Subsection 3 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

3. An applicant for renewal must present the application with fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. After the initial application for a license in this state, the director may not require an applicant for renewal, replacement, or a substitute to provide a social security card ~~unless the applicant is changing the distinguishing number on the license to the applicant's social security number.~~ The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the

¹³¹ Section 39-06-19 was also amended by section 4 of House Bill No. 1161, chapter 329.

licensee is making a good-faith effort to comply with the child support order.

¹³² **SECTION 3. AMENDMENT.** Subsection 1 of section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Content of license. The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:
 - a. The name and residential address of the person;
 - b. The person's color photograph;
 - c. A physical description of the person, including sex, height, ~~weight,~~ and eye ~~and hair~~ color;
 - d. Date of birth;
 - e. A distinguishing number assigned to the person ~~which upon request may be a number different from the person's social security number;~~
 - f. The person's signature;
 - g. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
 - h. The name of this state; and
 - i. The dates between which the license is valid.

SECTION 4. AMENDMENT. Subsection 17 of section 39-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

17. After suspending, revoking, ~~disqualifying,~~ or canceling a commercial driver's license, the director shall update the director's records to reflect that action within ten days. After suspending, revoking, or canceling a nonresident commercial driver's privileges, the director shall notify the licensing authority of the state that issued the commercial driver's license or commercial driver's instruction permit within ten days.

¹³³ **SECTION 5. AMENDMENT.** Section 39-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-20-03.1. Action following test result for a resident operator. If a person submits to a test under section 39-20-01, 39-20-02, or 39-20-03 and the test

¹³² Section 39-06.2-09 was also amended by section 3 of House Bill No. 1438, chapter 334.

¹³³ Section 39-20-03.1 was also amended by section 1 of House Bill No. 1134, chapter 340.

shows that person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle, the following procedures apply:

1. The law enforcement officer shall immediately ~~take possession of the person's operator's license if it is then available 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-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 director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.~~
2. If a test administered under section 39-20-01 or 39-20-03 was by saliva or urine sample or by drawing blood as provided in section 39-20-02 and the person tested is not a resident of an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the saliva, urine, or blood from the director of the state crime laboratory or the director's designee and if the analysis shows that person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, either proceed in accordance with subsection 1 during that person's reappearance within the officer's jurisdiction or notify a law enforcement agency having jurisdiction where the person lives. On that notification, that law enforcement agency shall ~~immediately take possession of the person's North Dakota operator's license or permit if it is then available and, within twenty-four hours, forward the license and a copy of the temporary operator's permit to the law enforcement agency making the arrest or to the director. The law enforcement agency shall also, on taking possession of the person's operator's license,~~ issue to that person a temporary operator's permit as provided in this section, and shall sign and date the permit as provided in subsection 1. Alternatively, if the test results indicate an alcohol concentration at or above the legal limit, the law enforcement agency making the arrest may mail a temporary operator's permit to the person who submitted to the blood, urine, or saliva test. The third day after the mailing of the temporary operator's permit is considered the date of issuance. Within three days after the person receives the temporary operator's permit, the person shall mail the person's North Dakota operator's license to the law enforcement agency that made the arrest. Actual notice of the opportunity for a hearing under this section is deemed to have occurred seventy-two hours after the notice is mailed by regular mail to the address submitted by the person to the law enforcement officer. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.
3. The law enforcement officer, within five days of the issuance of the temporary operator's permit, shall forward to the director a certified written report in the form required by the director 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 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 alcohol concentration under this chapter, and that the results of the test show that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. In addition to the operator's license and report, the law enforcement officer shall forward to the director 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 6. AMENDMENT. Subsection 2 of section 39-20-03.2 of the North Dakota Century Code is amended and reenacted as follows:

2. If the test was administered by saliva or urine sample or by drawing blood, the law enforcement officer, on reviewing the alcohol concentration analysis showing the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, shall mail or issue to the person a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of mailing or issuance 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 must be signed and dated by the officer. The third day after the mailing of the temporary operator's permit is considered the date of issuance.

SECTION 7. AMENDMENT. Subsection 1 of section 39-20-04.1 of the North Dakota Century Code is amended and reenacted as follows:

1. After the receipt of a ~~person's operator's license, if taken under section 39-20-03.1 or 39-20-03.2, and~~ the certified report of a law enforcement officer and if no written request for hearing has been received from the arrested person under section 39-20-05, or if that hearing is requested and the findings, conclusion, and decision from the hearing confirm that the law enforcement officer had reasonable grounds to arrest the person and test results show that the arrested person was driving or in physical control of a vehicle while having an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a test within two hours after driving or being in physical control of a motor vehicle, the director shall suspend the person's ~~operator's license~~ driving privileges as follows:
 - a. For ninety-one days if the person's driving record shows that, within the five years preceding the date of the arrest, the person

has not previously violated section 39-08-01 or equivalent ordinance or the person's operator's license has not previously been suspended or revoked under this chapter and the violation was for an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, and under eighteen one-hundredths of one percent by weight.

- b. For one hundred eighty days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within five years preceding the last violation and the last violation was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.
- c. For three hundred sixty-five days if the person's driving record shows that, within the five years preceding the date of the arrest, the person has once previously violated section 39-08-01 or equivalent ordinance or the person's operator's license has once previously been suspended or revoked under this chapter with the last violation or suspension for an alcohol concentration under eighteen one-hundredths of one percent by weight.
- d. For two years if the person's driving record shows that within the five years preceding the date of the arrest, the person's operator's license has once been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, with the last violation or suspension for an alcohol concentration of at least eighteen one-hundredths of one percent by weight or if the person's driving record shows that within the five years preceding the date of arrest, 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 with the last violation or suspension for an alcohol concentration of under eighteen one-hundredths of one percent by weight.
- e. For three years if the operator's record shows that within five years preceding the date of the arrest, 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 and the last violation or suspension was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.

SECTION 8. REPEAL. Section 39-16-29 of the North Dakota Century Code is repealed.

Approved March 19, 2009
Filed March 24, 2009

CHAPTER 329**HOUSE BILL NO. 1161**

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-06-03.1, subsection 2 of section 39-06-07, section 39-06-07.1, subsection 3 of section 39-06-19, and subsection 1 of section 39-06.2-08 of the North Dakota Century Code, relating to legal presence for obtaining an operator's license or nondriver identification card, license renewal fees, and commercial driver's license fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁴ **SECTION 1. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.

1. The director shall issue a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. The application must provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.6. If requested on the identification card application, the identification card issued by the director must include a statement making an anatomical gift under chapter 23-06.6. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to the provisions of subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for an identification card to provide a social security card and proof of residence address.
2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth and, identification, and legal presence of the applicant by the director or examining officer.

¹³⁴ Section 39-06-03.1 was also amended by section 1 of Senate Bill No. 2067, chapter 330.

3. The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's 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.
6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.

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

2. Every application must state the full name, date of birth, sex, social security number, residence and mailing address, and briefly describe the applicant. In signing the application the applicant is deemed to have certified that all information contained on the application is true and correct. The application must be accompanied by the proper fee. The application must also provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.6. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for a license or instruction permit to provide a social security card and proof of residence address.

SECTION 3. AMENDMENT. Section 39-06-07.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-07.1. Proof of name and, date of birth, and legal presence for operator's license application. The name and, date of birth, and legal presence on

all applications must be verified by a birth certificate or other satisfactory evidence. Applicants must produce documents which will be acceptable as listed below:

1. Certified birth certificate; or
2. Any other documentary evidence which confirms to the satisfaction of the director the true identity ~~and~~, date of birth, and legal presence of the applicant.

¹³⁵ **SECTION 4. AMENDMENT.** Subsection 3 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

3. An applicant for renewal must present the application with fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. ~~After the initial application for a license in this state, the~~ The director may ~~not~~ require an applicant for renewal, replacement, or a substitute to provide a social security card ~~unless the applicant is changing the distinguishing number on the license to the applicant's social security number and proof of residence address.~~ The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.

¹³⁶ **SECTION 5. AMENDMENT.** Subsection 1 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
 - a. The full name and current mailing address of the person;
 - b. A physical description of the person, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number;
 - e. The person's signature;
 - f. The certifications including those required by 49 CFR part 383.71(a);

¹³⁵ Section 39-06-19 was also amended by section 2 of House Bill No. 1132, chapter 328.

¹³⁶ Section 39-06.2-08 was also amended by section 2 of House Bill No. 1438, chapter 334.

- g. Any other information required by the director; and
- h. A consent to release driving record information.

The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial instruction permit to provide a social security card and proof of residence address.

Approved April 16, 2009
Filed April 17, 2009

CHAPTER 330

SENATE BILL NO. 2067

(Senator J. Lee)

AN ACT to amend and reenact subsection 1 of section 39-06-03.1 and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to the online registration of donors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁷ **SECTION 1. AMENDMENT.** Subsection 1 of section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The director shall issue a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. The application must provide for the voluntary identification of the applicant as a donor under ~~the provisions of~~ chapter 23-06.6. If requested on the identification card application, the identification card issued by the director must include a statement making an anatomical gift under chapter 23-06.6. Voluntary identification of the applicant as a donor under chapter 23-06.6 also may be completed by an online registry approved by the director. If the applicant's donor intention is made by the online registry, the intention must be recorded on the applicant's record. The intention is not required on the identification card unless a duplicate card is obtained or at the time of renewal. The department may not be held civilly or criminally liable for any act or omission in implementing and maintaining the online registration of donors. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to ~~the provisions of~~ subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed.

¹³⁸ **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

¹³⁷ Section 39-06-03.1 was also amended by section 1 of House Bill No. 1161, chapter 329.

¹³⁸ Section 39-06-14 was also amended by section 1 of House Bill No. 1295, chapter 345.

1. The director, upon payment of a ten dollar fee, shall issue to every qualified applicant an operator's license as applied for in the form prescribed by the director. The license must 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 the licensee's usual signature. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number. If the licensee is under the age of eighteen, the photograph must be against a color border or background that is different from the color used for other licensees. If the licensee is at least the age of eighteen and is under the age of twenty-one, the photograph must be against a color border or background that is different from the color used for other licensees. If requested on the license application, the license issued by the director must include a statement making an anatomical gift under chapter 23-06.6. Voluntary identification of the applicant as a donor under chapter 23-06.6 also may be completed by an online registry approved by the director. If the applicant's donor intention is made by the online registry, the intention must be recorded on the applicant's record. The intention is not required on the license unless a duplicate license is obtained or at the time of renewal. The department may not be held civilly or criminally liable for any act or omission in implementing and maintaining the online registration of donors. No license is valid until it has been signed by the licensee with the licensee's usual signature. ~~The department shall develop a system to require each applicant for an operator's license or renewal of an operator's license to determine whether or not the applicant wishes to be a donor under chapter 23-06.6.~~ For purposes of verification, an officer may require the licensee to write the licensee's signature in the presence of the officer. The director may adopt rules, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses. The photograph may be produced by digital imaging or other electronic means and is not a public record.

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 331

SENATE BILL NO. 2112

(Judiciary Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 10 of section 39-06.1-05, section 39-06.1-09, paragraph 13 of subdivision b of subsection 3 of section 39-06.1-10, and section 39-10-26 of the North Dakota Century Code, relating to operation of a vehicle on approach of department of transportation vehicles; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 10 of section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

10. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 4 5 of section 39-10-26.

SECTION 2. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted 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, 39-09-04.1, 39-09-09, subsection 1 of section 39-12-02, sections 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 subsection 4 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

¹³⁹ **SECTION 3. AMENDMENT.** Paragraph 13 of subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- | | | |
|------|--|----------|
| (13) | Causing an accident with an authorized emergency vehicle <u>or a vehicle operated by or under the control of the director used for maintaining the state highway system</u> in violation of subsection 4 <u>5</u> of section 39-10-26, or equivalent ordinance | 2 points |
|------|--|----------|

¹³⁹ Section 39-06.1-10 was also amended by section 1 of House Bill No. 1287, chapter 333.

SECTION 4. AMENDMENT. Section 39-10-26 of the North Dakota Century Code is amended and reenacted as follows:

39-10-26. Operation of vehicle on approach of Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on the interstate system or on a multilane highway outside the limits of a city unless the highway is part of the interstate system, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
3. If a vehicle operated by or under the control of the director used for maintaining the state highway system is parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the vehicle is displaying a flashing, revolving, or rotating amber or white light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
4. This section does not operate to relieve the driver of an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system from the duty to drive with due regard for the safety of all persons using the highway.
4. 5. a. Any individual who violates subsection 2 and causes an accident with an authorized emergency vehicle while the authorized emergency vehicle is displaying a visible flashing, revolving, or rotating amber, blue, white, or red light is guilty of an infraction.

- b. An individual who violates subsection 3 and causes an accident with a vehicle operated by or under the control of the director used for maintaining the state highway system while the vehicle is displaying a visible flashing, revolving, or rotating amber or white light is guilty of an infraction.

Approved April 22, 2009

Filed April 23, 2009

CHAPTER 332**SENATE BILL NO. 2429**

(Senators O'Connell, Nodland, Olafson)
(Representatives DeKrey, Gruchalla, Sukut)

AN ACT to amend and reenact subsection 10 of section 39-06.1-06 of the North Dakota Century Code, relating to a violation of hours of service provisions for commercial drivers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 10 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

10. For a violation of subsection 3 of section 39-21-46, a fee established as follows:
 - a. Driving more than ~~ten~~ eleven hours since the last ~~eight~~ ten hours off duty, driving after ~~fifteen~~ fourteen hours on duty since the last ~~eight~~ ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;
 - b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
 - c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
 - d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

Approved April 22, 2009
Filed April 23, 2009

CHAPTER 333**HOUSE BILL NO. 1287**
(Representative DeKrey)

AN ACT to amend and reenact subsection 7 of section 39-06.1-10 of the North Dakota Century Code, relating to the suspension of drivers' licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁴⁰ **SECTION 1. AMENDMENT.** Subsection 7 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

7. The period of suspension imposed for a violation of section 39-08-01 or equivalent ordinance is:
 - a. Ninety-one days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation ~~and the violation was for an alcohol concentration of at least eight one-hundredths of one percent by weight and under eighteen one-hundredths of one percent by weight.~~
 - b. One hundred eighty days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within five years preceding the last violation and the violation was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.
 - c. Three hundred sixty-five days if the operator's record shows the person has once violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation ~~and the violation is for an alcohol concentration of under eighteen one-hundredths of one percent by weight.~~
 - d. Two years if the operator's record shows the person has at least once violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the violation was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight ~~or if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the violation was for an alcohol concentration of at least eight one-hundredths of one percent by weight and under eighteen one-hundredths of one percent by weight.~~

¹⁴⁰ Section 39-06.1-10 was also amended by section 3 of Senate Bill No. 2112, chapter 331.

- e. Two years if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation.

- f. Three years if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the violation is for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.

Approved March 19, 2009
Filed March 24, 2009

CHAPTER 334**HOUSE BILL NO. 1438**

(Representatives D. Johnson, Gruchalla, Hofstad)
(Senators Fiebiger, G. Lee, Oehlke)

AN ACT to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to a nonresident commercial driver's license; to amend and reenact sections 39-06.2-02, 39-06.2-08, and 39-06.2-09 of the North Dakota Century Code, relating to an application for a nonresident commercial driver's license; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-02. Definitions. As used in this chapter, unless the context or subject matter otherwise requires:

1. "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.
2. "Alcohol concentration" means:
 - a. The number of grams of alcohol per one hundred milliliters of blood;
 - b. The number of grams of alcohol per two hundred ten liters of breath; or
 - c. The number of grams of alcohol per sixty-seven milliliters of urine.
3. "Commercial driver's instruction permit" means a permit issued under subsection 4 of section 39-06.2-07.
4. "Commercial driver's license" means a license issued under this chapter which authorizes an individual to drive a class of commercial motor vehicle.
5. "Commercial driver's license information system" means the information system established under the Commercial Motor Vehicle Safety Act to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
6. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property:
 - a. If the gross combination weight rating is twenty-six thousand one pounds [11794 kilograms] or more provided the towed unit has a gross vehicle weight rating of more than ten thousand pounds [4536 kilograms];

- b. If the vehicle has a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms] or such lesser rating as determined by federal regulation;
 - c. If the vehicle is designed to transport sixteen or more passengers, including the driver; or
 - d. If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR part 172, subpart F.
7. "Controlled substance" means any substance so classified under section 802(6) of the Controlled Substances Act [21 U.S.C. 802(6)], and includes all substances listed on schedules I through V, of 21 CFR part 1308, as they may be revised from time to time.
 8. "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.
 9. "Disqualification" means a withdrawal of the privilege to drive a commercial motor vehicle.
 10. "Drive" means to drive, operate, or be in physical control of a motor vehicle.
 11. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver's license.
 12. "Driver's license" means a license issued by a state to an individual which authorizes the individual to drive a motor vehicle.
 13. "Drug" means any drug or substance or combination of drugs or substances which renders a person incapable of safely driving, and includes any controlled substance.
 14. "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.
 15. "Fatality" means the death of a person as a result of a motor vehicle accident.
 16. "Felony" means any offense under state or federal law which is punishable by death or imprisonment for a term exceeding one year.
 17. "Foreign jurisdiction" means any jurisdiction other than a state of the United States.
 18. "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a

combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating or actual weight of the towed unit or units.

19. "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.
20. "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.
21. "Motor vehicle" means every vehicle that is self-propelled, and every vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs.
22. "Noncommercial motor vehicle" means a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle.
23. "Nonresident commercial driver's license" means a commercial driver's license issued by a state to an individual domiciled in a foreign country meeting the requirements of 49 CFR 383.23(b)(1).
24. "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.
24. 25. "Serious traffic violation" means a conviction when operating a commercial motor vehicle of:
 - a. Excessive speeding, involving a single charge of any speed fifteen miles [24.14 kilometers] per hour or more, above the posted speed limit;
 - b. Reckless driving, as defined under section 39-08-03 or local ordinance, including charges of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property, improper or erratic traffic lane changes, or following the vehicle ahead too closely;
 - c. A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident;
 - d. Driving a commercial motor vehicle without obtaining a commercial driver's license;
 - e. Driving a commercial motor vehicle without a commercial driver's license in the driver's possession. An individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay a fine for such

violation, that the individual held a valid commercial driver's license on the date the citation was issued, is not guilty of this offense; or

- f. Driving a commercial motor vehicle without the proper class of commercial driver's license or endorsement, or both, for the specific vehicle group being operated or for the passengers or type of cargo being transported.

~~25-~~ 26. "State" means a state of the United States or the District of Columbia.

~~26-~~ 27. "United States" means the fifty states and the District of Columbia.

¹⁴¹ **SECTION 2. AMENDMENT.** Section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08. Application for commercial driver's license.

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
 - a. The full name and current mailing address of the ~~person~~ applicant;
 - b. A physical description of the ~~person~~ applicant, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number, unless the application is for a nonresident commercial driver's license and the applicant is a resident of a foreign jurisdiction;
 - e. The ~~person's~~ applicant's signature;
 - f. The certifications including those required by 49 CFR part 383.71(a);
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.
2. The application must be accompanied by an application fee of fifteen dollars.
- ~~2-~~ 3. When the holder of a commercial driver's license changes the holder's name or mailing address, an application for a duplicate license must be made as provided in section 39-06-18.
- ~~3-~~ 4. ~~No person~~ An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

¹⁴¹ Section 39-06.2-08 was also amended by section 5 of House Bill No. 1161, chapter 329.

- 4- 5. Any ~~person~~ individual who knowingly falsifies information or certifications required under subsection 1 is subject to suspension, revocation, or cancellation of the ~~person's~~ individual's commercial driver's license for a period of at least sixty consecutive days.

¹⁴² **SECTION 3. AMENDMENT.** Section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-09. Commercial driver's license.

1. ~~Content of license:~~ The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:
 - a. The name and residential address of the person;
 - b. The person's color photograph;
 - c. A physical description of the person, including sex, height, weight, and eye and hair color;
 - d. Date of birth;
 - e. A distinguishing number assigned to the person which upon request may be a number different from the person's social security number;
 - f. The person's signature;
 - g. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
 - h. The name of this state; and
 - i. The dates between which the license is valid.
2. The director may issue a nonresident commercial driver's license pursuant to the limitations of 49 CFR 383 including waiving the social security number requirement. The face of the license must be marked "nonresident" in accordance with 49 CFR 383.153(b).
3. ~~Classifications, endorsements, and restrictions:~~ Commercial driver's licenses may be issued with the following classifications, endorsements, and restrictions; the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles. Vehicles for which an endorsement is required may not be driven unless the proper endorsement appears on the license. The requirements of placarding vehicles transporting hazardous materials under subparagraph b of

¹⁴² Section 39-06.2-09 was also amended by section 3 of House Bill No. 1132, chapter 328.

paragraph 3 of subdivision a and the endorsement required under paragraph 1 of subdivision b do not apply to a person who is the operator of a farm vehicle, provided such vehicle is controlled and operated by a farmer and used to transport hazardous materials in the form of farm supplies within one hundred fifty miles [241.40 kilometers] of the farm, and not used in the operations of a common or contract carrier.

a. Classifications:

- (1) Class A. Any combination of vehicles with a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms], provided the gross vehicle weight rating of the vehicles being towed is in excess of ten thousand pounds [4535.92 kilograms].
- (2) Class B. Any single vehicle with a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms], and any such vehicle towing a vehicle not in excess of ten thousand pounds [4535.92 kilograms].
- (3) Class C. Any single vehicle with a gross vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms] comprising:
 - (a) Vehicles designed to transport sixteen or more passengers, including the driver; and
 - (b) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under 49 CFR part 172, subpart F.

b. Endorsements and restrictions:

- (1) "H" - authorizes the driver to drive a vehicle transporting hazardous materials.
- (2) "T" - authorizes driving double and triple trailers.
- (3) "P" - authorizes driving vehicles carrying passengers.
- (4) "N" - authorizes driving tank vehicles.
- (5) "X" - combinations of tank vehicles and hazardous material vehicles.
- (6) "S" - authorizes driving a schoolbus.

Other restrictions may be placed upon a commercial driver's license, as provided in section 39-06-17. The applicant shall pay a fee of three dollars for each endorsement.

- 3- 4. ~~Applicant record check.~~ Before issuing a commercial driver's license, the director shall obtain driving record information through the

commercial driver's license information system, the national driver's register, and from each state in which the person has been licensed.

- 4- ~~5.~~ ~~Notification of license issuance.~~ Within ten days after issuing a commercial driver's license, the director shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.
- 5- ~~6.~~ ~~Expiration of license.~~ A commercial driver's license issued under this chapter expires in the manner provided for operator's licenses under section 39-06-19.
- 6- ~~7.~~ ~~License renewal procedures.~~ Every person applying for renewal of a commercial driver's license must complete the application form required by subsection 1 of section 39-06.2-08, providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.

SECTION 4. A new section to chapter 39-06.2 of the North Dakota Century Code is created and enacted as follows:

Nonresident license.

1. The department may issue a nonresident commercial driver's license to an applicant who does not present a social security card as required by section 39-06.2-08 but who otherwise meets the requirements for a nonresident commercial driver's license. A license issued under this subsection is valid only during the period of time of the applicant's authorized stay in the United States. The license may be renewed only upon presentation of valid documentary evidence that the status has been extended. The department shall renew without a skills or knowledge test a nonresident commercial license that has been expired for a duration not longer than one year.
2. The fee for a nonresident commercial driver's license is twenty dollars.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 21, 2009
Filed April 22, 2009

CHAPTER 335**HOUSE BILL NO. 1534**

(Representatives Griffin, Dahl)

AN ACT to amend and reenact subsection 2 of section 39-08-01 and section 39-08-01.2 of the North Dakota Century Code, relating to special punishment for causing injury or death while under the influence of alcohol.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

2. A person Unless as otherwise provided in section 39-08-01.2, an individual violating this section or equivalent ordinance is guilty of a class B misdemeanor for the first or second offense in a five-year period, of a class A misdemeanor for a third offense in a five-year period, of a class A misdemeanor for the fourth offense in a seven-year period, and of a class C felony for a fifth or subsequent offense in a seven-year period. The minimum penalty for violating this section is as provided in subsection 4. The court shall take judicial notice of the fact that an offense would be a subsequent offense if indicated by the records of the director or may make a subsequent offense finding based on other evidence.

SECTION 2. AMENDMENT. Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The penalty provided in this section applies when:
 - a. A person If an individual is convicted of an offense under chapter 12.1-16 and the conviction is based in part on the evidence of the person's individual's operation of a motor vehicle while under the influence of alcohol or drugs, the sentence imposed must include at least one year's imprisonment if the individual was an adult at the time of the offense.
 - b. 2. A person If an individual is convicted of violating section 39-08-01, or section 39-08-03 based in part on the evidence of the person's individual'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~~
 - e. 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 individual, that individual is guilty of a class A misdemeanor and the sentence must include at least ninety days' imprisonment if the individual was an adult at the time of the offense.

- 2- 3. If the defendant was at least eighteen years of age at the time of the offense under chapter 12-1-16, the sentence under 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 or 39-08-03, the sentence under either section must be at least ninety days' imprisonment. The sentence under chapter 12-1-16 or section 39-08-01 or 39-08-03 this section 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.

- 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. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. If the finding of guilt is by jury verdict, the verdict form must indicate that the jury found the elements that create the minimum sentence.

Approved April 21, 2009
Filed April 22, 2009

CHAPTER 336**SENATE BILL NO. 2279**
(Senators Nething, O'Connell, Klein)
(Representatives Clark, Keiser, Wald)

AN ACT to amend and reenact subsection 5 of section 39-08-13 of the North Dakota Century Code, relating to the parties from whom a motor vehicle accident investigating officer's opinion may be obtained.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

5. Upon affirmation by a party to the accident, a party's legal representative, or the insurer of any party to the accident that the investigating officer's opinion is material to a determination of liability and upon payment of a fee of five dollars, the director ~~may or~~ investigating agency shall release a completed copy of the investigating officer's opinion to the entity requesting the information. The request must be made on an appropriate form approved by the director.

Approved April 22, 2009

Filed April 23, 2009

CHAPTER 337**SENATE BILL NO. 2349**

(Senators G. Lee, Fiebiger, Miller)
(Representatives R. Kelsch, Pietsch, Vig)

AN ACT to amend and reenact section 39-10.1-05 of the North Dakota Century Code, relating to the operation of bicycles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10.1-05 of the North Dakota Century Code is amended and reenacted as follows:

39-10.1-05. Riding on roadway and bicycle path.

1. ~~Every person~~ An individual operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
2. ~~Persons~~ A group of individuals riding bicycles upon a roadway may not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.
3. ~~Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and may not use the roadway.~~

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 338**SENATE BILL NO. 2241**

(Senators Olafson, Fiebiger, Nodland)
(Representatives Delmore, Kempenich, Ruby)

AN ACT to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to the fee for an overwidth vehicle or load.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. Except for publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.

- i. The fee for an overwidth vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or ~~five~~ one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year.

Approved April 8, 2009

Filed April 9, 2009

CHAPTER 339**HOUSE BILL NO. 1219**

(Representatives Gruchalla, Boucher, Schneider, Weisz)
(Senators Freborg, Lyson, Olafson)

AN ACT to amend and reenact section 39-20-01.1 of the North Dakota Century Code, relating to the chemical test of a driver in an accident.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-20-01.1 of the North Dakota Century Code is amended and reenacted as follows:

39-20-01.1. Chemical test of driver in serious bodily injury or fatal crashes.

1. 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 or has committed a moving violation as defined in section 39-06.1-09, the driver ~~may~~ must 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.

2. Notwithstanding section 39-20-01 or 39-20-04, when the driver of a vehicle is involved in an accident resulting in the 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, a law enforcement officer may compel the driver to submit to a test or tests of the driver's blood, breath, or urine to determine the alcohol concentration or the presence of other drugs or substances. The methods and techniques established by the director of the state crime laboratory must be followed in collecting and preserving a specimen or conducting a test.

Approved April 16, 2009
Filed April 17, 2009

CHAPTER 340**HOUSE BILL NO. 1134**

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-20-03.1 of the North Dakota Century Code, relating to mailing of report and notice forms for driving under the influence.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁴³ **SECTION 1. AMENDMENT.** Section 39-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-20-03.1. Action following test result for a resident operator. If a person submits to a test under section 39-20-01, 39-20-02, or 39-20-03 and the test shows that person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle, the following procedures apply:

1. The law enforcement officer shall immediately take possession of the person's operator's license if it is then available 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-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 director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.
2. If a test administered under section 39-20-01 or 39-20-03 was by saliva or urine sample or by drawing blood as provided in section 39-20-02 and the person tested is not a resident of an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the saliva, urine, or blood from the director of the state crime laboratory or the director's designee and if the analysis shows that person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, either proceed in accordance with subsection 1 during that person's reappearance within the officer's jurisdiction, proceed in accordance with subsection 3, or notify a law enforcement agency having jurisdiction where the person lives. On that notification, that law enforcement agency shall immediately take

¹⁴³ Section 39-20-03.1 was also amended by section 5 of House Bill No. 1132, chapter 328.

possession of the person's North Dakota operator's license or permit if it is then available and, within twenty-four hours, forward the license and a copy of the temporary operator's permit to the law enforcement agency making the arrest or to the director. The law enforcement agency shall also, on taking possession of the person's operator's license, issue to that person a temporary operator's permit as provided in this section, and shall sign and date the permit as provided in subsection 1. Alternatively, if

3. If the test results indicate an alcohol concentration at or above the legal limit, the law enforcement agency making the arrest may mail a temporary operator's permit to the person who submitted to the blood, urine, or saliva test, whether or not the person is a resident of the area in which the law enforcement officer has jurisdiction. The third day after the mailing of the temporary operator's permit is considered the date of issuance. ~~Within three days after the person receives the temporary operator's permit, the person shall mail the person's North Dakota operator's license to the law enforcement agency that made the arrest.~~ Actual notice of the opportunity for a hearing under this section is deemed to have occurred seventy-two hours after the notice is mailed by regular mail to the address submitted by the person to the law enforcement officer. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.
- ~~3.~~ 4. The law enforcement officer, within five days of the issuance of the temporary operator's permit, shall forward to the director a certified written report in the form required by the director ~~and the person's operator's license taken under subsection 4 or 2.~~ If the person was issued a temporary operator's permit because of the results of a test, the 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 alcohol concentration under this chapter, and that the results of the test show that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. In addition to the operator's license and report, the law enforcement officer shall forward to the director 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.

Approved April 16, 2009
Filed April 17, 2009

CHAPTER 341**SENATE BILL NO. 2092**
(Senators G. Lee, Klein)
(Representatives Belter, Weisz, Kaldor)

AN ACT to repeal section 39-21-55 of the North Dakota Century Code, relating to an exemption from rear-end protection requirements for certain vehicles; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 39-21-55 of the North Dakota Century Code is repealed.

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

Approved February 26, 2009
Filed February 26, 2009

CHAPTER 342

SENATE BILL NO. 2367

(Senators Oehlke, Cook, Erbele)
(Representative D. Johnson)

AN ACT to create and enact a new section to chapter 39-24 of the North Dakota Century Code, relating to safety fees for snowmobiles; and to amend and reenact sections 39-22.3-04 and 39-29-01.1 of the North Dakota Century Code, relating to motor-powered recreational vehicle dealer licenses and safety fees for off-highway vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-22.3-04 of the North Dakota Century Code is amended and reenacted as follows:

39-22.3-04. Grounds for denial, suspension, cancellation, or revocation of dealer's license. The director may deny an application for a dealer's license or suspend, revoke, or cancel the license after it has been granted for the following reasons:

1. For any material misstatement by an applicant in the application for the license.
2. For any willful failure to comply with this chapter or with any rule adopted by the director.
3. For knowingly permitting any salesperson to sell or exchange, or offer or attempt to sell or exchange, any motor-powered recreational vehicle except for the licensed motor-powered recreational vehicle dealer by whom the salesperson is employed, or to offer, transfer, or assign any sale or exchange that they may have negotiated to any other dealer.
4. For having violated any law relating to the sale, distribution, or financing of motorcycles.
5. For having ceased to have an established place of business.
6. For failure to collect and timely transmit the snowmobile safety and off-highway safety fees.

SECTION 2. A new section to chapter 39-24 of the North Dakota Century Code is created and enacted as follows:

Snowmobile safety fees. Upon the sale of a new or used snowmobile and in addition to other fees and taxes imposed under section 39-24-03, a dealer shall collect a five dollar safety fee from the buyer. Within fifteen days after the end of each calendar quarter, the dealer shall file a report with the parks and recreation department which discloses the number of snowmobiles sold during that calendar quarter and includes fees collected from the buyer. Fees imposed under this section must be deposited in the state snowmobile fund established under section 39-24-05. The parks and recreation department may use these funds solely for snowmobile

safety education and promotion. The parks and recreation department shall report to the director within thirty days of the end of each calendar quarter the motor-powered recreational vehicle dealers that submitted a safety fee report and the number of vehicles sold, and shall identify every dealer not collecting or transmitting snowmobile safety fees.

SECTION 3. AMENDMENT. Section 39-29-01.1 of the North Dakota Century Code is amended and reenacted as follows:

39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee. Upon the sale of a new or used off-highway vehicle, a 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 which discloses the number of off-highway vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must be deposited in the off-highway vehicle fund established under section 39-29-05. The fees may be used only by the parks and recreation department and only for off-highway vehicle safety education and promotion. The parks and recreation department shall report to the director within thirty days of the end of each calendar quarter the motor-powered recreational vehicle dealers that submitted a safety fee report and the number of vehicles sold, and shall identify every dealer not collecting or transmitting the safety fee.

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 343**HOUSE BILL NO. 1318**

(Representatives Nelson, Boe, Delmore, D. Johnson)
(Senators Horne, Olafson)

AN ACT to amend and reenact subsection 7 of section 39-24-09 of the North Dakota Century Code, relating to snowmobile travel.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 39-24-09 of the North Dakota Century Code is amended and reenacted as follows:

7. ~~When snowmobiles are~~ If a snowmobile is operated within the right of way of any road, street, or highway of this state pursuant to under this chapter, during times or conditions that warrant the use of lights, such snowmobiles the snowmobile operator shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile. An operator of a snowmobile traveling on a snowmobile trail maintained by the parks and recreation department which is within the right of way of any road, street, or highway of this state is exempted from this rule. The operator shall wait for all traffic to clear the roadway before crossing bridges and other similar structures.

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 344**SENATE BILL NO. 2378**

(Senators O'Connell, Flakoll, Potter)

(Representatives Gruchalla, R. Kelsch, Nelson)

AN ACT to amend and reenact subsections 2 and 3 of section 39-29-03 and subsection 2 of section 39-29-05 of the North Dakota Century Code, relating to off-highway vehicle registration and the disposition of registration fees and trail tax.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 2 and 3 of section 39-29-03 of the North Dakota Century Code are amended and reenacted as follows:

2. On receipt of an application and the appropriate fee, the department shall register the off-highway vehicle and assign a registration number and a certificate of registration. In addition, the department shall issue a decal made of reflectorized material which contains the registration number or the department shall issue one distinctive number plate upon the request of the owner. The operator of an off-highway vehicle shall securely affix and display the decal or the plate in a position as to provide clear legibility for identification. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner.
3. The fee for registration of each off-highway vehicle is five dollars for a registration period of two years. For a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars. For each off-highway vehicle registered under this chapter, there is an off-highway vehicle trail tax of ~~five~~ fifteen dollars.

SECTION 2. AMENDMENT. Subsection 2 of section 39-29-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The off-highway vehicle trail tax must be deposited in a ~~state~~ the off-highway vehicle fund in the state treasury. The parks and recreation department may, on appropriation by the legislative assembly, expend from that fund moneys for establishing off-highway vehicle facilities, ~~off-highway vehicle~~ use areas, and ~~off-highway vehicle~~ safety and education programs, and on enforcement of this chapter. The department may also use the fund to make grants to political subdivisions, governmental agencies, and nonprofit organizations for the purpose of developing and improving off-highway vehicle facilities and use areas and on promoting off-highway vehicle safety and education. The department may also use the fund to make grants to law

enforcement agencies for the purpose of enforcing laws applicable to off-highway vehicles and to the use of off-highway vehicle facilities and use areas.

Approved April 7, 2009
Filed April 9, 2009

CHAPTER 345**HOUSE BILL NO. 1295**

(Representatives Kempenich, DeKrey, Heller, Vig)
(Senators Klein, Miller)

AN ACT to create and enact chapter 39-29.2 of the North Dakota Century Code, relating to unconventional vehicles; and to amend and reenact subdivision c of subsection 3 of section 39-06-14 and subsection 3 of section 39-27-05 of the North Dakota Century Code, relating to motorcycles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁴⁴ **SECTION 1. AMENDMENT.** Subdivision c of subsection 3 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

- c. A driver with a class M license may operate any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles, and tractors, ~~and vehicles on which the operator or passengers, or both, ride within an enclosed cab.~~ A class M vehicle may not be operated under a class A, B, C, or D license.
 - (1) The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
 - (2) An applicant sixteen years of age and older, who does not hold a current valid operator's license may be issued a class M learner's permit after successful completion of a written examination. The class M license will be issued after the applicant has successfully completed a driver's examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
 - (3) Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. The director may waive the

¹⁴⁴ Section 39-06-14 was also amended by section 2 of Senate Bill No. 2067, chapter 330.

skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

SECTION 2. AMENDMENT. Subsection 3 of section 39-27-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or otherwise comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle Safety Standards, and must otherwise comply with applicable state standards, as promulgated by the director. Two-wheel motorcycles using low pressure tires are exempt from this subsection if the inflated height of the tire is twenty inches [508 millimeters] or greater.

SECTION 3. Chapter 39-29.2 of the North Dakota Century Code is created and enacted as follows:

39-29.2-01. Definitions. As used in this chapter unless the context otherwise requires:

1. "Identifying number" means the vehicle identification numbers and letters if any assigned by the manufacturer or by the department for the purpose of identifying a vehicle. The term includes any numbers or letters assigned by the manufacturer for the purpose of identifying a part of a vehicle or any number placed on a part in accordance with this chapter or rules of the department for the purpose of identifying the vehicle.
2. "Unconventional vehicle" means a motor vehicle that is designed to travel on at least three wheels in contact with the ground, has an unladen weight of at least three hundred pounds [136.08 kilograms] but less than eight thousand pounds [3628.7 kilograms], has a permanent upright seat or saddle for the driver which is mounted at least twenty-four inches [50.8 centimeters] from the ground, has a steering device for front wheel steering control, is capable of speeds in excess of sixty-five miles [104.61 kilometers] per hour, complies with equipment listed in chapter 39-21 or 39-27, as appropriate, and has an identifying number. The term does not include motor vehicles that otherwise may be registered under this title.

39-29.2-02. Certificate of title for unconventional vehicle. The department shall issue a certificate of title for an unconventional vehicle in accordance with section 39-05-05.

39-29.2-03. Registration of unconventional vehicle.

1. Registration of an unconventional vehicle is governed by this chapter.

2. An individual may not operate an unconventional vehicle on public roadways unless the vehicle has been registered under this chapter.
3. The department shall design and furnish an application that must be used to register an unconventional vehicle. The registration must state the name and address of every owner of the unconventional vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
4. On receipt of an application and the appropriate fee, the department shall register an unconventional vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, identifying number, and name and address of the owner.
5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a duplicate or replacement registration number or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.
6. To renew a registration, the owner of an unconventional vehicle shall follow the procedure adopted by the department and pay the registration fee.
7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle.
8. Funds collected from registration must be deposited in the motor vehicle registration fund.

39-29.2-04. Operation of unconventional vehicle. To operate an unconventional vehicle on a highway, the operator must be a licensed driver. An operator may operate an unconventional vehicle on any highway except an access-controlled highway.

Approved May 1, 2009
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