

any such coal mine or public utility, and with power to sell and distribute the products or services of any such mine or public utility.

§ 2. The Governor is further authorized to use any of the facilities or offices of the State when required to take over and use any such coal mine or public utility, and may command the services of the State Militia or the State Constabulary.

§ 3. The owner of any coal mine or public utility so taken shall be given a receipt therefor and shall be paid for the use thereof and for any damages which may be caused to the same while in the possession of the State; provided that such compensation shall be determined by the Board of Railroad Commissioners, after notice and hearing to the parties interested therein, such notice to be given and such hearing conducted in the same manner provided by Chapter 192 of the Laws of North Dakota for the year 1919 for hearing and determining the rates and charges of public utilities.

Approved 2:45 p. m. Dec. 11, 1919.

MOTOR VEHICLES

CHAPTER 44.

[S. B. No. 5—King.]

REGISTRATION.

An Act to Amend and Re-enact Chapter 182 of the 1919 Session Laws to Provide for the Taxing and Licensing of Motor Vehicles, the Creation of a Motor Vehicle Registration Department of the State Highway Commission and the Appointment of a Registrar as Head of the Same Defining His Duties and Compensation; Establishing the Method of Distributing the Fees Received Therefrom; Fixing Penalties for the Violation of This Act and Providing an Appropriation for Administering the Same and for the Use of the State Highway Commission; and Repealing Chapter 156 of the Laws of North Dakota, 1917, and All Acts and Parts of Acts in Conflict Therewith.

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

§ 1. AMENDMENT.] That Chapter 182 of the 1919 Session Laws of North Dakota is hereby amended and re-enacted to read as follows:

Chapter 182, Section 1. The term "motor vehicles" as used in this Act, except where otherwise expressly provided, shall include all vehicles propelled by any other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances and such vehicles as run only upon rails or tracks. The term "local authorities" shall include all officials of counties, cities, towns, or villages.

The term "owner" shall include any person, firm, association, or corporation owning or renting any motor vehicle or having the use thereof under lease or otherwise, for a period greater than thirty days.

The term "public highway" shall include any highway, town, road, county road, state road, public street, avenue, alley, park, parkway or public place, in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriage.

The term "dealer" when used in this Act shall include every person, corporation, company or association keeping for sale or as a business selling any motor vehicle within this state.

The term "commission" when used alone in this Act shall mean the State Highway Commission of the State of North Dakota.

The term "Registrar" when used alone in this Act shall mean the head of the Motor Vehicle Registration Department.

§ 2. Every dealer or owner of a motor vehicle before operating or driving his motor vehicle upon the public highways of this state, for each motor vehicle owned, except as herein otherwise provided, shall file or cause to be filed, by mail or otherwise, in the office of the Registrar at Bismarck, North Dakota, a verified application for registration of such motor vehicle on a blank to be furnished by the Motor Vehicle Registration Department for that purpose. Such blank shall contain:

(1) A brief description of the motor vehicle to be registered including the name of the manufacturer, and the factory number and model, if such number and model there be.

(2) The name, residence and business address of the owner of such vehicle; the original retail cost price of said vehicle, if a passenger car not used for commercial purposes; the passenger capacity, if a car used for the carrying of passengers for hire; and the ton capacity, if a car used for the carrying of freight, together with the retail price for such car, if purchased within the state and not previously registered within the state, and such other information as the Motor Vehicle Registration Department may require. During the calendar year 1919 after the enactment of this law, and each year thereafter, every dealer in motor vehicles in this state shall pay to the Motor Vehicle Registration Department; at the time of or before the selling of each motor vehicle; the first year's registration fee as provided in Section 6 of this Act; provided, that the payment of such fee shall be in lieu of all taxes upon such vehicle for the year in which the same is paid, provided, further, that upon the payment of such fee the Registrar shall issue to such dealer a receipt showing that the same has been paid, together with registration tags, as herein elsewhere provided, and such receipt and registration tag shall be transferred to the purchaser of said motor vehicle upon the payment of the fee provided in Section 4 of this Act.

§ 3. Upon receipt of an application for registration of a motor vehicle as provided in the next preceding section, the same shall

be filed in the office of the Registrar, and such motor vehicle shall be registered with the name and residence and business address of the owner, together with the facts stated in such application, in a book or index to be kept for that purpose, under the distinctive number assigned to such motor vehicle, which book or index shall be open to inspection during reasonable hours.

§ 4. Upon the sale of any motor vehicle registered in accordance with this Act, the vendee shall, within ten days after the date of such sale, notify the Registrar, upon a blank furnished him for that purpose, stating the name and business address of the previous owner, if known, the number under which such vehicle is registered, the price paid for the same, if a passenger vehicle or the capacity of the same, if a commercial vehicle, and the name, residence and business address of such vendee. Upon filing such statement such vendee shall pay to the Motor Vehicle Registration Department a fee of \$1.00, and upon receipt of such statement and fee the Registrar shall file such statement in his office and change the name of ownership in the registration book or index in which such motor vehicle is registered.

§ 5. Upon the filing of such application and payment of the fee provided, the Registrar shall assign to each such motor vehicle a distinctive number, and, without other fee, issue and deliver to the owner a set of two registration tags, upon each of which shall be displayed the distinctive number assigned, in the form and size herein elsewhere provided, which shall be evidence of payment of the license fee and tax herein imposed.

In the event of the loss, mutilation, or destruction of the registration tags herein provided for, the owner of any registered motor vehicle may obtain new ones from the Motor Vehicle Registration Department, on making an affidavit showing the facts, and upon the payment of a fee of fifty cents in case one tag is needed and one dollar in case both are needed.

§ 6. Every motor vehicle shall be registered annually, each registration certificate and set of tags being valid until the 31st day of December next following the date of registration. The fee to be paid on all motor vehicles except motorcycles and those used for commercial purposes for registration, re-registration and operation shall be based on the factory selling price in force January 1, each year to which the registration applies. The net weight and horsepower, which horsepower shall be obtained by multiplying the square of the diameter of the cylinder in inches by the number of cylinders and dividing this product by two and one-half. The basic fee shall be calculated at the rates of 5 mills per dollar of said selling price, 20 cents per 100 pounds or major portion thereof of the net weight of vehicle and 10 cents per horsepower as above determined, except electrics, which shall be charged two (\$2.00) dollars in lieu of such horsepower fee. The registration fee for motor vehicles except as hereinafter stated, in the year in which they are first purchased from the dealer, shall be the above basic fee.

The registration fee for the years subsequent from the year for

which the vehicle was purchased from dealer shall be the basic fee as above determined less a 10 per cent reduction for second year, a twenty-five per cent reduction for the third year, and thereafter a forty per cent reduction from the above basic fee, provided that the fee shall at no time be less than five dollars. On motor vehicles of foreign make or of obsolete models or make, regarding which it is difficult to secure information, and on models not on the market January 1, 1919, the Registrar shall set the valuation in a manner as nearly as possible consistent with the prices prevailing January 1 of the year to which the registration applies. For motor trucks, in addition to the foregoing factors, the fee shall be based on its load capacity, at the rate of \$3.00 per ton, up to and including 3 tons capacity, \$5.00 per ton of capacity greater than 3 tons but not greater than 4 tons, and \$10.00 per ton for capacity greater than 4 tons. For four-wheel trailers the fee shall be one-fourth of the auto truck to which attached. For motorcycles the fee shall be \$3.00 per year. For motor busses or other motor vehicles carrying passengers for which a fee is charged the license shall be increased by 25 cents per passenger carrying capacity of vehicle, seating capacity to be based on a seating room of 16 inches per passenger.

All motor vehicles used for the first time during the current year after September 1, when satisfactory proof of such fact is given to the Registrar, shall be entitled to a fifty per cent reduction of the yearly fee applicable to such car.

§ 7. No person shall operate or drive a motor vehicle on the public highway of the state after thirty days from the day upon which this Act takes effect, unless such vehicle shall have been registered in accordance with the provisions herein contained, and shall have the tags of registration assigned to it by the Motor Vehicle Registration Department conspicuously displayed and securely fastened upon the front and rear of such vehicle.

No person shall display on such motor vehicle at the same time any number assigned to it under any other vehicle law or ordinance.

§ 8. Such license tags shall be of distinctly different color or shade each year, and at all times there shall be a marked contrast between the color of the number plate and that of the numerals or letters thereon. Such registration tag shall be substantially of the following size and form, viz.: A plate or placard of metal or enamel with metal letters 8½ inches in length and 5 inches in width for one or two numerals; 10 inches in length and 5 inches in width for three numerals; 12 inches in length and 5 inches in width for four or more numerals, and on the left end of this plate with letters running vertically from the top, there shall be two letters "N. D.," each of which shall be approximately one inch in length; and on the right end, arranged in the same manner and the same size, there shall be four numerals of the year in which the license is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall be at least ½ inch in width; provided that motorcycles shall be assigned tags three inches in width and of a height to permit num-

erals to be placed vertically across the top of this tag, with letters running horizontally, shall be the two letters "N. D.," and across the bottom, arranged in the same manner, there shall be the four numerals of the year in which the license is issued, except that the last shall be in proportionate size to the small plate.

§ 9. The provisions of this Act requiring registration shall not apply to any motor vehicle owned by a non-resident of the state, who is temporarily within the state, while passing into or through it from an adjoining state, provided that such non-resident shall have displayed in a conspicuous way on the motor vehicle he is operating a tag or tags issued for that year by the State of which he is a resident and displayed according to the laws of that state.

§ 10. The Registrar shall render to the State Treasurer monthly reports showing a full and correct account of all moneys received during the preceding month as fees for the licensing of motor vehicles under the provisions of this act, and at the end of each day shall pay into the State Treasury all moneys received during such day.

§ 11. (1) A State Highway Fund is hereby created and all moneys received into the State Treasury under the provisions of this Act or any provision of law for highway purposes, shall be expended under the supervision and direction of the State Highway Commission and Motor Vehicle Registration Department. All moneys received into the State Treasury under the provisions of this Act shall be expended in the following manner:

(2) A sum not to exceed \$150,000.00 per annum shall be set apart to defray the expenses of the State Highway Commission in maintaining the Motor Vehicle Registration Department and in carrying out the provisions of this Act, and in carrying out the provisions and purposes of the State Highway Commission Act, and co-operating with the Federal Government under the Act of Congress approved July 11, 1916 (Public No. 156), entitled "An Act to Provide that the United States shall aid the states in the construction of rural post roads and for other purposes," and in carrying out the provisions of any other law imposing duties or conferring powers on said Commission:

(2-a) A further sum not to exceed \$130,000.00 annually shall be set aside to meet the state's obligation as provided in Chapter 73, Session Laws, 1919.

(3) A sum not exceeding fifty per cent of the balance following the above deductions from the above gross receipts shall be paid by the State Treasurer out of such funds upon certificate from the Motor Vehicle Registration Department, approved by the state Auditing Board to the several County Treasurers to the account of the Special Road Maintenance Fund. The Registrar in behalf of the Commission shall file with the State Treasurer and the State Auditor verified quarterly statements of the amounts and sources of all moneys received into the State Treasury under this Act and the amounts to which the several counties are entitled, which funds

shall be pro-rated among the counties in the same proportion as that in which the moneys are received. The expenses of maintaining the state highways in any county as directed and supervised by the Commission shall be paid from the Special Road Maintenance Fund and the remainder thereof shall be expended under the direction of the county commissioners on other highways within the county.

(4) The remaining fifty per cent shall remain in the State Highway Fund, to be expended by the Commission in the various counties of the state in the improvement, maintenance and construction of state highways. Ten per cent of this portion of the fund shall be expended at the discretion of the Commission for the purposes specified above without regard to the amount of motor vehicle fees collected, and ninety per cent shall be spent by the Commission for the purposes specified above in the several counties in proportion to the amounts collected therein.

§ 12. All claims for moneys expended by the State Highway Commission under the provisions of this Act, except that concerned with the operation of the Motor Vehicle Department, shall be paid out of the State Highway Fund by the State Treasurer upon the presentation of properly prepared vouchers approved by the State Auditing Board and approved by the Secretary of the State Highway Commission. All claims for moneys expended by the Motor Vehicle Registration Department shall be paid out of the fund set aside for that Department by the State Treasurer upon the presentation of properly prepared vouchers approved by the State Auditing Board and approved by the Registrar.

§ 13. The possession of a certificate made out by the notary public who took acknowledgment of the original application where such certificate shows date of application, make and model of car, and the manufacturer's number of the motor vehicle which such application describes, shall be prima facie evidence of compliance with the motor vehicle law with reference to the motor vehicle therein described for a period of twenty days from the date of such application.

§ 14. The taxes provided for in this Act shall be in lieu of all other taxes upon such vehicles, either state or local.

§ 15. The Motor Vehicle Registration Department shall have the power, and it is hereby declared to be its duty, to see that all the provisions of this Act are enforced, and for the enforcement of the same it shall have the assistance of the Attorney General of the state and of all prosecuting officers, and may authorize any county or local officer or employee to act for it in any matter pertaining to the enforcement of any of such provisions.

§ 16. Within ten days after this Act goes into effect the Commission shall appoint a suitable person to act as Registrar of the Motor Vehicle Registration Department. Said Registrar shall qualify by taking and subscribing to the oath of office prescribed by law for state officers, and shall file a bond with sufficient security to be approved by the Commission, in the sum of Five Thousand Dollars (\$5,000.00), conditioned upon the faithful performance of

his (or her) duties and the full accounting for all moneys received as taxes or fees under the provisions of this Act, the cost of such bond to be paid by the Motor Vehicle Registration Department. The Registrar shall have an office at the State Capitol which shall be open and accessible to all applicants for motor vehicle licenses during all reasonable office hours. The salary of said Registrar not to exceed \$2,000.00 annually, shall be fixed by the Commission and paid out of the fund set apart for the operation of the Motor Vehicle Registration Department.

§ 17. With the approval of the Commission the Registrar shall appoint all such deputies, experts, assistants, or employees as he may deem necessary for the carrying out of the purposes of this Act, the compensation of such appointees to be fixed by the Commission, on the recommendation of the Registrar and paid, together with all reasonable traveling and other expenses out of the fund set apart for the operation of the Motor Vehicle Registration Department, on the order of the Registrar.

§ 18. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), and if default is made in the payment of such fine, such person shall be committed to the county jail until such fine is paid; provided, however, that each day's service in jail shall be equal to Two Dollars (\$2.00) of such fine.

§ 19. It is hereby made the duty of every county superintendent of highways, when such are appointed, and otherwise of the board of county commissioners, sheriffs and other county road or police officers, and of all police officers of incorporated cities and villages to enforce the provisions of this Act.

§ 20. All dealers engaged in the sale of motor vehicles in the state shall furnish the Motor Vehicle Registration Department with such information as to models, specifications, selling prices, etc., and such other data requested by the Motor Vehicle Registration Department as is necessary in carrying out the provisions of this Act.

§ 21. All books, records, supplies, office equipment, etc., in the office of the Secretary of State, purchased under the provisions of law for the registration of motor vehicles shall come under the control of the Motor Vehicle Registration Department upon the passage and approval of this Act.

§ 22. Chapter 156, Laws of North Dakota, 1917, and all Acts or parts of Acts in conflict herewith are hereby repealed.

Approved 8:30 A. M. Dec. 12, 1919.