

§ 4. This Act is hereby declared to be an emergency measure, and shall become effective immediately upon its passage and approval.

Approved March 6, 1925.

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## MOTOR VEHICLES

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### CHAPTER 167

(H. B. No. 3—Rasmussen.)

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#### MOTOR VEHICLE REGISTRATION

An Act To Amend and Re-enact Sections 6 and 11, Chapter 44 of the Special Session Laws of North Dakota, for the Year 1919, Relating to the Registration and Licensing of Motor Vehicles, the Creation of a State Highway Fund, and the Distribution of Such Fund and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] That section 6, Chapter 44, of the Special Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 6. AMENDMENT.] (a) 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 from and after January 1, 1926. 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 horse-power, which horse-power shall be obtained by multiplying the square of the diameter of the cylinder in inches by the number of cylinders and dividing the product by two and one-half. The basic fee shall be calculated at the rate of ten mills per dollar of said selling price, 20 cents per hundred 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 vehicle except as hereinafter stated, in the year in which they are first purchased from the dealer, shall be above basic fee. Provided, further, that upon the installation of any new motor or the addition or change of type of any body or equipment in or upon any registered

motor vehicle, the owner shall file with the Registrar a new application blank, setting forth such change. All motor vehicles used for the first time during the year after September 1, shall be entitled to a fifty per cent reduction of that year's fee for such vehicle, provided that the Registrar is satisfied with the proof given of such fact. The annual license fee for motorcycles shall be \$5.00.

(b) 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, not used for commercial freighting, in addition to the foregoing factors, the fee shall be based on its load capacity, at the rate of \$5.00 per ton for one ton truck. \$7.50 for one and one-half ton, \$10.00 for two ton truck, \$15.00 for two and one-half ton truck, \$20.00 for three ton truck, \$30.00 for three and one-half ton truck, \$40.00 for four ton truck, \$60.00 for five ton truck.

(c) For motor trucks used for commercial freighting, in addition to the factors mentioned in paragraph (a) of this act, an additional fee, based on its load capacity, shall be charged on all motor trucks at the following rate: for one ton trucks \$10.00; one and one-half ton trucks \$15.00; for two ton trucks \$20.00; for two and one-half ton trucks \$27.50; for three ton trucks \$35.00; for three and one-half ton trucks \$55.00; for four ton trucks \$70.00; for five ton trucks \$130.00; for trucks over five tons \$250.00.

Provided, however, that there shall be no deduction made in the basic rates as provided in said sub-division "A" hereof, on motor trucks used for commercial purposes by reason of time elapsed since the original purchase thereof from the dealer.

(d) COMMERCIAL PASSENGER TRANSPORTATION.] In addition to the factors mentioned in paragraph (a) of this Act an additional fee shall be charged on all passenger carrying motor vehicles, at the rate of \$10.00 per passenger, carrying capacity of vehicle, seating capacity to be calculated on the seating room of 16 inches per passenger.

(e) "Commercial freighting" defined: Commercial freighting shall mean the carriage of things other than passengers, for hire, between fixed termini not wholly within the limits of the same city,

village or borough; provided, that local dray lines carrying baggage or goods to or from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial freighting.

(f) "Commercial Passenger Transportation" defined: Commercial Passenger Transportation shall mean the carriage of passengers for hire between fixed termini not wholly within the limits of the same city, village or borough; provided that local bus lines carrying passengers from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial passenger transportation.

§ 2. AMENDMENT.] Section II, Chapter 44 of the Special Session Laws of the State of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ II. AMENDMENT.] A State Highway Fund is hereby created and all moneys hereafter collected by, or paid to, the State Treasurer as tax upon gasoline, other than the first Two Hundred Thousand Dollars collected from such tax in each year hereafter, are hereby appropriated from the General Fund of the State and converted into such State Highway Fund, to be expended by the State Highway Commission in the construction, reconstruction and maintenance of Federal Aid and State Aid Highways and in compliance with the provisions of the Act of Congress approved July 11th, A. D. 1916, entitled "An Act to Provide that the United States shall aid the States in the Construction of Rural Post Roads and for Other Purposes." In addition to the moneys so received by the State Treasurer and hereby above appropriated to the State Highway Fund, all moneys received into the State Treasury under the provisions of this act or of any other act; or any provisions of law, for Highway purposes, shall be expended under the supervision and direction of the State Highway Commission and the Motor Vehicle Registration Department. All moneys received into the State Treasury as motor vehicle license fees under the provisions of this act shall be expended in the following manner:

(b) 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 postroads and for other purposes," and in carrying out the provisions of any other law imposing duties or conferring powers on said Commission:

(c) A further sum not to exceed \$130,000.00 annually shall be set aside to meet the State's obligations as provided in Chapter 73, Session Laws 1919.

(d) 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 certificates from the Motor Vehicle Registration Department, approved by the State Auditing Board, to the several county treasurers, to the account of the county road funds, such funds to be used in the construction and maintenance of highways within the county, other than state highways. 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 prorated among the counties in the same proportion as that in which the moneys were received. Such fund shall be expended under the direction of the county commissioners for the construction and maintenance of highways within the county and townships.

(e) 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 construction, reconstruction and maintenance of Federal aid and State aid roads, and in compliance with the provisions of the Act of Congress approved July 11, 1916, entitled "An Act to Provide that the United States shall aid the States in the Construction of Rural Post Roads and for other Purposes."

Approved March 7, 1925.

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## CHAPTER 168

(H. B. No. 194—Swett.)

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### MOTOR VEHICLES OF STATE DEPARTMENTS AND INSTITUTIONS

An Act Providing for the painting of a sign in a conspicuous place on each side of all motor vehicles owned and operated on the public highways by state departments, institutions or industries, showing the name of the department, institution or industry, and providing penalty for violation.

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

§ 1. That all motor vehicles owned and operated on the public highways by any State Department, Institution or Industry shall

have painted on both sides of the body of such vehicle in a conspicuous place and manner, the name of said Department, Institution or Industry, and the name of the State indicated by proper words, initials or abbreviations.

§ 2. That any state official or employee of any State Department, Institution or Industry who operates or permits the operation of any motor vehicle owned by the Department, Institution or Industry without such sign painted thereon shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, nor more than one hundred dollars, or be confined in the county jail not to exceed thirty days, or both such fine and imprisonment in the discretion of the court.

§ 3. This act is hereby declared to be an emergency and shall be in full force and effect from and after April 1, 1925.

Approved March 7, 1925.

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## MUNICIPAL CORPORATIONS

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### CHAPTER 169

(S. B. No. 116—Storstad.)

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#### FINANCING OF MUNICIPAL CORPORATIONS

**An Act Relating to the Finances of Cities, Towns and Villages; Providing for the Time of Beginning and Ending of the Fiscal Year; Providing that the Council, Commission, Board or Manager of All Cities, Towns and Villages Shall Annually Prepare a Budget; Providing for Publicity of such Budget; Providing for Public Hearings in Regard to Proposed Expenditures; Providing for Tax Levies; and Providing that All Expenditures Must Conform to the Budget as Adopted.**

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

§ 1. This Act shall be known and cited as the City Budget Law.

§ 2. DEFINITIONS.] The word "Council" as used in this act shall be construed to mean the City Council, Board of Trustees, Commission, Manager, or other governing body of any city, town or village in the state; and the word "Municipality" shall be construed to mean any city, town or village in the State.