

State Treasurer shall promptly credit the amount of such payment to the State Highway Commission. All money so credited is hereby appropriated to be used by such commission for the construction, re-construction, maintenance or repairs of highways or roads under the jurisdiction of said commission.

Provided, that in order to reimburse the state on account of the expenses of carrying the provisions of this act into effect, the State Auditor is hereby authorized and directed to credit to the general fund of the state, on the first day of July of each year, the sum of Twenty-five Thousand Dollars out of the moneys collected as a license tax under the provisions of this act.

Approved January 28, 1927.

MOTOR VEHICLES

CHAPTER 179 (H. B. No. 268—Lynch)

MOTOR VEHICLE REGISTRATION

An Act to Provide for the Taxing and Licensing of Motor Vehicles and Trailers, the Creation of a Department of Motor Vehicle Registration, the Appointment of a Registrar of Motor Vehicles, His Powers and Duties, Establishing the Method of Distribution of the Fees Received Therefrom, Fixing Penalties for Violation of this Act and Providing for an Appropriation for Administering the Same and for the Use of the State Highway Commission, and to Make Uniform the Law Relating to the Subject Matter of this Act.

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

TITLE I.

Definition of Terms.

§ 1. DEFINITIONS.] The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the terms "tractor" as herein defined.

(d) "Truck Tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines and other implements of husbandry.

(f) "Road Tractor." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(g) "Trailer." Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(h) "Specially Constructed Vehicle." Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

(i) "Essential Parts." All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(j) "Reconstructed Vehicle." Any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(k) "Foreign Vehicle." Every motor vehicle, which shall be brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(l) "Pneumatic Tires." All tires inflated with compressed air.

(m) "Solid Rubber Tire." Every tire made of rubber other than a pneumatic tire.

(n) "Metal Tires." All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

(o) "Person." Every natural person, firm, co-partnership, association or corporation.

(p) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(q) "Non-resident." Every person who is not a resident of this state.

(r) "Manufacturer." Every person engaged in the business of manufacturing motor vehicles or trailers.

(s) "Dealer." Every person engaged in the business of buying, selling or exchanging motor vehicles in this state and having an established place of business in this state.

(t) "Highway." Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

(u) "Department." The Department of Motor Vehicle Registration of this state acting directly or through its duly authorized officers and agents.

TITLE II.

Registrar.

§ 2. REGISTRAR.] There is hereby created the office of Registrar of motor vehicles, the holder of the office to organize and be in charge of the vehicle department of this state and to be appointed by the State Highway Commission.

§ 3. DUTIES OF DEPARTMENT AND REGISTRAR.]

(a) It shall be the duty of the department and all officers thereof to enforce the provisions of this act.

(b) With the approval of the State Highway Commission the Registrar is hereby authorized to adopt and enforce such administrative rules and regulations and to designate such agencies as may be necessary to carry out the provisions of this act. He shall also provide suitable forms for applications, registration cards, license number plates and all other forms requisite for the purposes of this act, and shall prepay all transportation charges thereon.

§ 4. RECORDS OF DEPARTMENT.] The Registrar shall maintain an office in the state capitol, or other suitable quarters provided by the state at Bismarck.

§ 5. RECORDS OF DEPARTMENT.] All registration and license records in the office of the department shall be public records and open to inspection by the public during business hours.

§ 6. PUBLICATION OR POSTING OF RECORDS.] The department shall furnish copies of records of stolen or recovered motor vehicles to the police departments of cities and sheriff's offices throughout the state, and shall forward copies of stolen and recovered motor vehicle records to the Registrar of each state.

TITLE III

Registration of Motor Vehicles.

§ 7. OWNER TO SECURE REGISTRATION.] Every owner of a motor vehicle intended to be operated upon any highway in this state shall, before the same is so operated, apply to the department for and obtain the registration thereof, except the owner of any vehicle which is exempted by Section 9 and excepting, also, when an owner is permitted to operate a vehicle under the special provisions relating to lien holders, manufacturers, dealers and non-residents contained in Sections 16 (d), 17 and 19 of this act.

§ 8. EXEMPT FROM REGISTRATION.] Farm tractors, road rollers and road machinery temporarily operated or moved upon the highways need not be registered under this act.

§ 9. APPLICATION FOR REGISTRATION.] (a) Application for the registration of a vehicle required to be registered hereunder shall be made by the owner thereof upon the appropriate form approved or furnished by the department and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number, whether new or used and the last license number if 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 such vehicle. The application shall contain such other information as may be required by the department.

(b) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this state, the owner shall exhibit to the department the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the department that the applicant is the lawful owner or possessor of the vehicle.

§ 10. REGISTER OF APPLICANTS TO BE KEPT BY DEPARTMENT.] The department shall file each application received, and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:

1. Under a distinctive registration number assigned to the vehicle and to the owner thereof hereinafter referred to as the registration number;
2. Alphabetically under the name of the owner;
3. Numerically and alphabetically under the engine and serial number and name of the vehicle.

§ 11. REGISTRATION CARDS.] (a) The department, upon registering a vehicle, shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine number thereof, and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the department.

(b) The registration card shall contain upon the reverse side a form for endorsement of notice to the department upon transfer of the vehicle.

(c) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.

§ 12. REGISTRATION CARD TO BE CARRIED.] The registration card issued for a vehicle required to be registered hereunder shall at all times while the vehicle is being operated upon a highway within this state be carried in driver's compartment of the vehicle and subject to inspection by any peace officer.

§ 13. NUMBER PLATES TO BE FURNISHED BY DEPARTMENT.] (a) The department shall also furnish to every owner whose vehicle shall be registered one number plate for a motorcycle and two number plates for every other motor vehicle.

§ 14. DISPLAY OF PLATES.] (a) Number plates assigned to a motor vehicle other than a motorcycle shall be attached thereto, one in front and the other in the rear. The number plate assigned to a motorcycle shall be attached to the rear thereof. Number plates shall be so displayed during the current registration year.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, also the name of this state which may be abbreviated and the year number for which it is issued. Such plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

(c) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

§ 15. RENEWAL OF REGISTRATION.] (a) Every vehicle registration under this act shall expire December thirty-first each year and shall 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.

(b) 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 shall be 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 it may find necessary for issuance of such new plates.

§ 16. (a) Whenever the owner of a vehicle registered under the foregoing provisions of this act transfers or assigns his title or interest thereto, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as hereinafter provided. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year.

(b) An owner upon transferring a registered vehicle shall endorse the name and address to the transferee and the date of transfer upon the reverse side of the registration card issued for such vehicle and shall immediately forward such card to the department.

(c) The department on receipt of such registration card bearing the endorsement of the name and address of the transferee, shall at once enter record transferring to the name of the transferee the registration number appearing on the said registration card and

the number plates corresponding thereto, and shall forward to the transferee a new registration card after the usual manner and bearing the registration number thereby transferred to his name. In the event the department does not receive the former registration card properly endorsed, as provided in subsection (b), the department may re-register the vehicle provided it is satisfied as to the genuineness and regularity of the transfer.

(d) In the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, or otherwise, the registration thereof shall expire and the vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain proper transfer to himself of the registration thereof, except that an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sale contract, lease, chattel mortgage or other security agreement, or the assignee or legal representative of any such person may operate or cause to be operated any vehicle upon the highways for a distance not exceeding seventy-five miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, either upon displaying upon such vehicle the number plates issued to the former owner or without number plates attached thereto but under a written permit first obtained from the department or the local police authorities having jurisdiction over such highways.

§ 17. REGISTRATION BY MANUFACTURERS AND DEALERS.] (a) A manufacturer of or dealer in motor vehicles owning or operating any such vehicle upon any highway in lieu of registering each such vehicle may obtain from the department upon application therefor upon the proper official form and payment of the fees required by law and attach to each such vehicle one or duplicate number plates, as required for different classes of vehicles by section 13 (a), which plate or set of plates shall each bear thereon a distinctive number, also the name of this state which may be abbreviated, and the year for which issued, together with the word "dealer" or a distinguishing symbol indicating that such plate or plates are issued to a manufacturer or dealer, and any such plates so issued may, during the calendar year for which issued, be transferred from one such new vehicle to another new vehicle owned or operated by such manufacturer or dealer as a vehicle for demonstration purposes only who shall keep a written record of the vehicles upon which such dealers'

number plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the department.

(b) No manufacturer of or dealer in motor vehicles shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway without there being displayed upon such vehicle a number plate or plates issued to such person, either under section 13 or under this section, except as otherwise authorized in subdivision (c) or (d) of this section.

(c) Any manufacturer of motor vehicles may operate or move or cause to be operated or moved upon the highways for such distance as may be authorized by the Registrar any such vehicle, from the factory where manufactured, to a railway depot, vessel or place of shipment or delivery without registering the same and without number plates attached thereto under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the manufacturer authorizing or directing such movement.

(d) Any dealer in motor vehicles may operate or move, or cause to be operated or moved, any such vehicle upon the highways for a distance of twenty-five miles, or for such further distance from a vessel, railway depot, warehouse or any place of shipment to a sales room, warehouse or place of shipment, or trans-shipment without registering such vehicle and without number plates attached thereto, under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the dealer authorizing and directing such movement.

§ 18. MANUFACTURER TO GIVE NOTICE OF SALE OR TRANSFER.] Every manufacturer or dealer, upon transferring a motor vehicle, whether by sale, lease or otherwise, to any person other than a manufacturer or dealer, shall immediately give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee and such description of the vehicle as may be called for in such official form.

§ 19. REGISTRATION BY NON-RESIDENTS.]

(a) A non-resident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current calendar year in the state, country or other

place of which the owner is a resident and which at all times when operated in this state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fees to this state.

(b) A non-resident owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation or for the transportation of merchandise, either regularly according to a schedule or for consecutive period exceeding thirty days, shall register such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state.

(c) Every non-resident, including any foreign corporation carrying on business within this state and owning and regularly operating in such business any motor vehicle, within this state, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state.

§ 20. LOST CERTIFICATES OR NUMBER PLATES—DUPLICATES TO BE OBTAINED.] In the event that any number plate or registration card issued hereunder shall be lost, mutilated or shall have become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the department and upon payment of the required fees.

§ 21. DEPARTMENT TO SUSPEND REGISTRATION UPON NOTICE OF THEFT OR EMBEZZLEMENT.] Whenever the owner of any motor vehicle which is stolen or embezzled files an affidavit alleging either said fact with the department it shall immediately suspend the registration of such vehicle and shall not transfer the registration of or re-register such vehicle until such time as it shall be notified that the owner has recovered such vehicle, but notices given as heretofore provided shall be effective only during the current registration year in which given, but if during such year such vehicle is not recovered a new affidavit may be filed with like effect during the ensuing year. Every owner who has filed an affidavit of theft or embezzlement must immediately notify the department of the recovery of such vehicle.

TITLE IV.

Refusal or Cancellations of Registrations and Violations of Provisions Relating Thereto.

§ 22. WHEN REGISTRATION SHALL BE REFUSED.] The department shall not grant an application for the registration of a vehicle in any of the following events:

(a) When the applicant therefor is not entitled thereto under the provisions of this act.

(b) When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department.

(c) When the fees required therefor by law have not been paid.

§ 23. WHEN REGISTRATION SHALL BE RESCINDED.]

(a) The department shall rescind and cancel the registration of any vehicle which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law.

(b) The department shall rescind and cancel the registration of a vehicle whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person not entitled thereto.

§ 24. VIOLATIONS OF REGISTRATION PROVISIONS.] It shall be unlawful for any person to commit any of the following acts:

FIRST: To operate or for the owner thereof knowingly to permit the operation upon a highway of any motor vehicle which is not registered or which does not have attached thereto and display thereon the number plate or plates assigned thereto by the department for the current registration year, subject to the exemptions allowed in sections 16 (d), 17 and 19 of this act.

SECOND: To display or cause or permit to be displayed or to have in possession any registration card, or registration number plate knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.

THIRD: To lend to or knowingly permit the use by one not entitled thereto any registration card or registration number plate issued to the person so lending or permitting the use thereof.

FOURTH: To fail or refuse to surrender to the department, upon demand, any registration card or registration number plate which has been suspended, cancelled or revoked as in this act provided.

FIFTH: To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

TITLE V.

Registration Fees.

§ 25. REGISTRATION FEES.] There shall be paid to the department for the registration of motor vehicles, fees according to the following schedule:

(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 1st, 1928. 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 November 1, each year preceding 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 fraction thereof of the net weight of vehicle and 10 cents per horse-power as above determined, except electrics, which shall be charged two (\$2.00) dollars in lieu of such horse-power 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 the 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 above 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 in 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; 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.

Trailers used for commercial freighting shall pay a license fee based on its load capacity in accordance with the foregoing schedule of tonnage alone exclusive of the factors mentioned in paragraph (a).

(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 engaged in Commercial Passenger Transportation, at the rate of \$5.00 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.

(g) Dealers in passenger automobiles and automobile trucks shall pay a license fee of twelve dollars (\$12.00) for each set of dealer's auto tags issued to them. Motorcycle dealers shall pay a license fee of five dollars (\$5.00) for each set of motorcycle tags issued to them.

(h) The taxes provided for in this act shall be in lieu of all other taxes upon such vehicles, either state or local.

§ 26. Such license tag 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, $8\frac{1}{2}$ 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 $\bar{5}$ inches in width for four or more numerals; and on the left end of this plate with letter 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 the 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 $\frac{1}{2}$ inch in width; provided, that motorcycles shall be assigned tags three inches in width and of a height to permit numerals 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.

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

§ 28. EXEMPT FROM REGISTRATION FEES.] All motor vehicles owned and operated by the State, any of its sub-divisions and any municipal corporation, except traction engines, road rollers, fire wagons and engines, police patrol wagons and municipal owned ambulances, shall be required to display auto license tags and make application for registration thereof, and are hereby exempted from the payment of any and all license fees required in this Act provided,

however, that they shall pay the sum of One (\$1.00) Dollar for each set of license tags issued to them to cover the cost of such tags and registration.

§ 29. WHEN FEES DELINQUENT: PENALTIES.] The tax or license fee under this act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first use the public streets or highways in this state and upon January 1st in each year thereafter. Taxes due upon January 1st shall be paid upon transfer of ownership in the vehicle and in any event on or before March 15th and shall be delinquent after March 15th unless paid. Taxes falling due between March 15th and December 31st shall become delinquent upon the expiration of five days after the same become due.

A penalty of 10 cents per day shall be added to the license fee or tax required under this act for each and every day such license fee or tax shall be delinquent for not to exceed fifteen days and two (\$2.00) dollars per month thereafter for each month or fraction thereof for not to exceed five months.

§ 30. DISPOSITION OF REGISTRATION FEES.] All moneys collected by the Registrar of Motor Vehicles under the provisions hereof shall be paid into the State Treasury and covered into the State Highway Fund and shall be expended in manner as by law provided.

TITLE VI.

Miscellaneous

§ 31. 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, such appointment shall be for a term of two years, but such Registrar shall be removed for cause. 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 Twenty Thousand Dollars (\$20,000.00), 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 shall be fixed by the Commission, but such salary shall not exceed \$2,500.00 per annum, and the same shall be paid out of the fund set apart for the operation of the Motor Vehicle Registration Department.

§ 32. 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.

§ 33. 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.

§ 34. 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.

§ 35. 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.

§ 36. 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 and that he personally mailed the application with the remittance fee, shall be prima facie evidence of compliance with the motor vehicle law with reference to the motor vehicle therein described for a period of fifteen days from the date of such application.

TITLE VII.

Penalties

§ 37. PENALTY FOR MISDEMEANOR.]

(a) It shall be unlawful and constitute a violation for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided every person convicted of a violation of any provision of this act shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 38. PENALTY FOR FELONY.] Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

TITLE VIII.

Effect of and Short Title of Act

§ 39. UNIFORMITY OF INTERPRETATION.] This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 40. SHORT TITLE.] This act may be cited as the Uniform Motor Vehicle Registration Act.

§ 41. CONSTITUTIONALITY.] If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

§ 42. REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 43. TIME OF TAKING EFFECT.] This act shall take effect from and after the 1st day of January, 1928.

Approved March 7, 1927.

CHAPTER 180

(H. B. No. 132—Cox by Request)

MOTOR VEHICLE ANTI-THEFT ACT

Act to Require Certificates of Title for Registered Motor Vehicles; to Facilitate the Recovery of Stolen or Unlawfully Taken Motor Vehicles; to Provide for the Licensing of Dealers in Used Motor Vehicles, Trailers, or Semi-trailers; to Prescribe the Powers and Duties of the Motor Vehicle Registration Department; to Impose Certain Fees to Carry out the Purpose of this Act; to Impose Penalties for Violations of this Act and to Make Uniform the Law Relating to the Subject Matter of this Act.

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

§ 1. DEFINITIONS.] The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

(a) "Vehicles." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Used Vehicle." Every motor vehicle, which has been sold, bargained, exchanged, given away or title transferred from the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof.

(d) "Person." Every natural person, firm, copartnership, association or corporation.

(e) "Owner." A person who holds the legal title to a vehicle or in the event a vehicle is the subject of an Agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) "Manufacturer." Every person engaged in the business of manufacturing motor vehicles.

(g) "Dealer." Every person engaged in the business of buying, selling or exchanging motor vehicles.

(h) "State." A state, territory, organized or unorganized, or district of the United States of America.

(i) "Department." The Department or branch of the Government of this state charged by law with the duty of registering motor vehicles.

(j) "Registrar." The officer of this state in charge of the Department.

§ 2. APPLICATION OF ACT TO CERTAIN VEHICLES—EXEMPTIONS.] The provisions of this act shall apply to every motor vehicle required to be registered with the Department under the Laws of this state except any said vehicles owned by the Federal Government or by this State or any political subdivision thereof or any state institution or municipality in this state and excepting also any traction engine, road roller or any motorcycle operated by a police officer in the performance of his duty as such officer.

§ 3. CERTIFICATES OF TITLE MUST BE OBTAINED FOR REGISTERED VEHICLES.]

(a) The Department shall not after July 1, 1927, register or renew the registration of any motor vehicle, unless and until the owner thereof shall make application for and be granted an official certificate of title for such vehicle or present satisfactory evidence that a certificate of title for such vehicle has been previously issued to such owner by the Department.

(b) The owner of a motor vehicle registered in this state shall not after July 1, 1927, operate or permit the operation of any such vehicle upon any highway without first obtaining a certificate of title therefor from the Department, nor shall any person operate such vehicle upon the highways knowing or having reason to believe that the owner has failed to obtain a certificate of title therefor and any person violating this subsection shall be punished as provided in section 19 of this act.

§ 4. APPLICATION FOR A CERTIFICATE OF TITLE.]

(a) The application for a Certificate of Title shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the motor vehicle including the name of the maker, the engine and serial numbers and any distinguishing marks thereon and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon said vehicle and the name and address of the person to whom the Certificate of Title shall be delivered and such other information as the Department may require and every application shall be accompanied by a fee of one dollar, which shall be in addition to any fee charged for the registration of such vehicle.

Whenever a new motor vehicle is purchased from a dealer the application for a Certificate of Title shall include a statement of transfer by the dealer and of any lien retained by such dealer.

(b) The owner shall verify every application for a Certificate of Title before a person authorized to administer oaths, and officers and employees of the Department designated by the Registrar are hereby authorized to administer oaths and it is their duty to do so without fee for the purpose of this act.

§ 5. DEPARTMENT TO ISSUE CERTIFICATES OF TITLE.]

(a) The Department shall maintain an engine and serial number index of registered motor vehicles and upon receiving an application for a Certificate of Title shall first check the engine and serial

number shown in the application against said index and against the Stolen and Recovered Motor Vehicle Index, required to be maintained by section 12 of this Act. The Department when satisfied that the applicant is the owner of the vehicle, shall thereupon issue in the name of the owner a certificate of title bearing a serial number and the signature of the Registrar and the seal of his office and setting forth the date issued and a description of the vehicle as determined by the Department, together with 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 under a lease, contract of conditional sale, or other like agreement. The Certificate of Title shall also contain, upon the reverse side, forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon such vehicle at the time of a transfer. The Department shall deliver the Certificate of Title to the person designated for that purpose in the application.

(b) Said certificate shall be good for the life of the vehicle so long as the same is owned or held by the original holder of such certificate.

§ 5½. REGISTRATION CARDS.]

(a) The Department upon registering a motor vehicle shall issue to the owner a registration card which shall set forth upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine and serial numbers and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statements of facts as may be determined by the Department, and shall provide a space for the signature of the owner and upon the reverse side a form for endorsement of notice to the Department upon a transfer of the vehicle.

(b) An owner upon receiving a registration card shall sign the usual signature or name of such owner with pen and ink in the space provided upon such card.

(c) The registration card issued for a vehicle shall at all times while the vehicle is being operated upon a highway within this state be carried in a container costing with the registration card, not to exceed ten cents, furnished by the state in the driver's compartment of the vehicle and subject to inspection by any peace officer.

§ 6. ENDORSEMENT AND DELIVERY OF CERTIFICATE OF TITLE UPON A TRANSFER OF TITLE OR INTEREST.]

(a) The owner of a motor vehicle for which a certificate of title is required hereunder shall not, after July 1, 1927, sell or transfer his title or interest in or to such vehicle unless he shall have obtained a certificate of title thereto nor unless having procured a certificate of title he shall in every respect comply with the requirements of this section and any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 19 of this act.

(b) The owner who sells or transfers his title or interest in or to such motor vehicle after July 1, 1927, shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon (which statement shall be verified under oath by the owner) and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle.

(c) The transferee except as provided in the next succeeding paragraph shall thereupon present such certificate endorsed and assigned as aforesaid to the Department accompanied by a transfer fee of one dollar and make application for and obtain a new certificate of title for such vehicle.

(d) When the transferee of a vehicle is a dealer who holds the same for resale and operates the same only for purposes of demonstration under the dealer's number plates, or when the transferee does not drive such vehicle nor permit such vehicle to be driven upon highways, such transferee shall not be required to forward the certificate of title to the Department, as provided in the preceding paragraph, but such transferee upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(e) Whenever the ownership of any motor vehicle shall pass otherwise than by voluntary transfer, the new owner may obtain a certificate of title therefor from the Department upon application therefor and payment of a fee of one dollar accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title or interest 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.

§ 7. DEPARTMENT TO MAINTAIN TRANSFER FILE.]

(a) The Department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicle designated therein.

(b) The Department within thirty days after the taking effect of this act shall have printed copies of this act and shall mail a copy thereof with a blank form of application for a certificate of title to every owner of a registered motor vehicle in this state.

§ 8. REFUSAL TO ISSUE CERTIFICATE OF TITLE OR REGISTER CAR OR RECISSION OF REGISTRATION OR CERTIFICATE OF TITLE.] If the Department shall determine that an applicant for a Certificate of Title to a motor vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle, and in that event unless the Department reverses its decision or its decision be reversed by a Court of competent jurisdiction the applicant shall have no further right to apply for a Certificate of Title or registration on the statements in said application. The Department may for a like reason after notice and hearing revoke registration already acquired or any outstanding Certificate of Title. Said notice shall be served in person or by registered mail. An appeal may be taken from any decision of the Department as from the decision of a Justice of the Peace.

§ 9. DUPLICATE CERTIFICATES WHERE ORIGINAL IS LOST.] In the event of the loss of a certificate of title or registration card, the loss of which is accounted for to the satisfaction of the Department, a duplicate or substitute may be issued, the charge therefor to be fifty cents.

§ 10. MAKING FALSE STATEMENTS.] It shall be unlawful for any person knowingly to make any false statement in any application or other document by the terms of this act and any person violating this provision shall upon conviction be punished as provided in section 18.

§ 11. ALTERING OR FORGING CERTIFICATE OF TITLE A FELONY.] Any person who shall alter with fraudulent intent any certificate of title or registration card issued by the Department, or forge or counterfeit any certificate of title or registration card purporting to have been issued by the Department under the provisions of this act or who shall alter or falsify with fraudulent intent or forge any assignment thereof, or who shall hold or use any such certificate, registration card or assignment knowing the same to have been altered, forged or falsified, shall be guilty of a felony and upon conviction thereof shall be punished as provided in Section 20 of this act.

§ 12. REPORT OF STOLEN AND RECOVERED MOTOR VEHICLES.]

(a) Every county sheriff and every police commissioner and chief of police or peace officer of every jurisdiction, upon receiving information that a motor vehicle has been stolen or that a motor vehicle having been stolen, has been recovered shall immediately report such information upon the appropriate official form to the Department.

(b) The Department shall file all such reports of stolen or recovered motor vehicles and appropriately index the same and shall also file similar reports received from other states. The Department at least once each month shall either publish or post upon a public bulletin board in each of its offices a report of stolen and recovered motor vehicles and shall furnish copies of such records to every county sheriff and the police department in every municipality of over 200 population within this state and shall forward copies of such records to the motor vehicle department of each other state.

§ 13. ALTERED OR CHANGED ENGINE OR SERIAL NUMBERS.]

(a) The owner of a motor vehicle, the engine or serial number of which has been altered, removed or defaced, may, within thirty days from the date this act takes effect, make application in form prescribed by the Department accompanied by a fee of one dollar for a special number. He shall furnish such information as will satisfy the Department that he is the owner, whereupon the Department shall assign a special number for the motor vehicle preceded (preceded?) by a symbol indicating this State. A record of special numbers so assigned shall be maintained by the Department.

The owner shall stamp said number upon the engine or otherwise as directed by the Department and upon receipt by the Department of a certificate by a peace officer that he has inspected and found said number stamped upon the motor vehicle as directed in a workmanlike manner, together with application for a certificate of title such special number shall be regarded as the engine or serial number of said motor vehicle.

(b) Any person who with fraudulent intent shall deface, destroy or alter the engine or serial number of a motor vehicle or shall place a stamp other than the original engine or serial number upon a motor vehicle, or shall sell or offer for sale any motor vehicle bearing an altered or defaced engine or serial number or a number other than the original or a number assigned as above provided shall be guilty of a felony and upon conviction shall be punished as provided in section 20 of this act.

This section is not intended to prohibit the restoration by the owner of an engine or serial number of a motor vehicle for which

a certificate of title has been issued by this State, nor to prevent any manufacturer or importer, or agents thereof, other than a dealer, from placing or stamping in the ordinary course of business, numbers on motor vehicles, or parts thereof removed or changed and replacing the numbered parts.

§ 13½. RECEIVING OR TRANSFERRING STOLEN VEHICLES.] Any person who with intent to Procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer shall be guilty of a felony and upon conviction shall be punished as provided in Section 20 of this act.

§ 14. DEALERS IN USED VEHICLES MUST BE LICENSED.]

(a) It shall be unlawful for any person from and after the 1st day of July, 1927, to carry on or conduct the business of buying, selling or dealing in used motor vehicles, trailers or semi-trailers, unless licensed so to do by the Department under the provisions of this act except that any manufacturer, or importer of motor vehicles or his subsidiary or selling agent may buy or take in trade and sell any used motor vehicle of his own make without such license.

(b) Application for a dealer's license required hereunder shall be made upon the form prescribed by the Department and shall contain the name and address of the applicant and when the applicant is a partnership the name and address of each partner or when the applicant is a corporation the names of the principal officers of the corporation and the state in which incorporated and the place or places where the business is to be conducted and such other information as may be required by the Department. Every such application shall be verified by the oath or affirmation of the applicant if an individual or in the event the applicant is a partnership or corporation then by a partner or officer thereof.

(c) The Department before issuing a license shall collect from the applicant a fee of five dollars except that when application is made after July first of any year the fee for a license shall be three dollars.

§ 15. DEPARTMENT TO ISSUE LICENSE CERTIFICATE.]

(a) The Department upon receiving an application for a license accompanied by the proper fee and when satisfied that the applicant is of good character and so far as can be ascertained has complied with and will comply with the laws of this state with reference to the

registration of vehicles and certificates of title therefor, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer in used vehicles during the calendar year in which the license is issued. Every such license shall expire on December 31st of each year and may be renewed upon application and payment of the fee required herein.

(b) The Department may refuse to issue a license or after notice by registered mail to the licensee and a hearing, may cancel a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this act.

(c) Supplemental Licenses. Any licensee before removing any one or more of his places of business or opening any additional place of business shall apply to the department for and obtain a supplemental license, for which no fee shall be charged.

§ 16. RECORDS OF PURCHASES AND SALES AND POSSESSIONS OR CERTIFICATES OF TITLE.]

(a) Every licensee shall maintain a record in form as prescribed by the Department of every used motor vehicle, trailer or semi-trailer bought, sold or exchanged by the licensee or received or accepted by the licensee for sale or exchange, which record shall contain a description of every said vehicle, including the name of the maker, type, engine and serial number and other distinguishing marks and whether any numbers thereon have been defaced, destroyed, or changed and shall state with reference to each such vehicle the name and address of the person from whom purchased or received and when sold or otherwise disposed of by the licensee the name and address of the person to whom sold or delivered.

(b) Every licensee shall have in possession a separate certificate of title assigned to such licensee or other documentary evidence of his right to the possession of and for every motor vehicle in his possession.

§ 17. AUTO THEFT FUND AND ENFORCEMENT.] The Department shall deposit all fees and revenues received under this act in the state treasury and such monies shall be placed in the "Auto Theft Fund," which is hereby created, and said fund shall be used and expended by and under the direction of the Department in paying the expenses which it may incur in carrying out the provisions of this act. Initial expenses incurred hereunder may be paid in the first instance out of the registration fee receipts, the latter is to be reimbursed as sufficient funds accrue under this act.

The Department is hereby authorized to employ all office help and purchase all supplies necessary to carry out the provisions of this act, and it is hereby made the duty of the sheriff, the police officers and the other law enforcement officers of the various political subdivisions of the State of North Dakota to properly enforce the provisions of this act.

Any money remaining in the "Auto Theft Fund" and not expended or obligated at the end of each fiscal year shall thereupon be transferred to and deposited in the General Fund of the State.

§ 18. PUNISHMENT FOR FALSE STATEMENT.] Any person convicted of making a false statement in any application or document under Section 10 of this act shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or by both such fine and imprisonment.

§ 19. PENALTY FOR MISDEMEANOR.]

(a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 20. PENALTY FOR FELONY.] Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

§ 21. UNIFORMITY OF INTERPRETATION.] This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 22. SHORT TITLE.] This Act may be cited as the Uniform Motor Vehicle Anti-Theft Act.

§ 23. CONSTITUTIONALITY.] If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts hereof would be declared unconstitutional.

§ 24. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 25. PROVIDED, HOWEVER, that the provisions of this act shall not be applicable to any trailer or semi-trailer, the value of which is less than Fifty (\$50.00) Dollars.

§ 26. EMERGENCY.] This act is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 7, 1927.

MUNICIPAL CORPORATIONS

CHAPTER 181 (S. B. No. 192—Schlosser)

DUTIES AND REPORTS CITY AUDITORS

An Act to Amend and Re-enact Sections 3625 and 3626, Compiled Laws of the State of North Dakota for 1913, Relating to the Duties of City Auditors.

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

§ 1. AMENDMENT.] Section 3625 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3625. REPORTS.] The city auditor shall report to the city council the receipts and expenses of the municipality for the six months period ending December 31st and for the twelve months period ending June 30th, on or before the tenth day of the following month. Such statement shall also include a statement of the financial condition of all municipal funds as of said dates. Such report shall be kept on file in the office of the city auditor as a permanent public record and a certified copy of such report shall be forwarded to the county auditor and the county treasurer and such certified copies shall be kept on file in said offices and shall be open to public inspection and examination. The city auditor shall make and keep a list of outstanding city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the city council as will secure the punctual payment of the principal and interest of such bonds.

§ 2. AMENDMENT.] Section 3626 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows: