

a certificate. A certificate shall be granted only to a person who is twenty-three years of age or over, of good moral character, a citizen of the United States, and a resident of this state, who has had at least five years practical experience in the working of coal mines. The certificate shall be in the form prescribed by the inspector, and shall show the full name, age, and birthplace of the person named therein and the length or nature of his previous experience in coal mines, and shall designate the position for which he is qualified. A certificate shall be valid only when signed by a majority of the members of the board, and when so signed shall be sufficient evidence of the holder's competency for the duties of mine foreman under the provisions of this title. The inspector shall keep in his office a record of such certificates issued. All certificates issued shall cease to be valid in seven years after date of issuing.

Approved March 2, 1945.

MOTOR VEHICLES

CHAPTER 245

S. B. No. 188

Introduced by Senators Thatcher and Young

DRIVERS LICENSE CARD DETACHMENT

An Act To amend and re-enact Section 39-0619 of the Revised Code of North Dakota for 1943, relating to duty of Court upon conviction of licensee.

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

§ 1. AMENDMENT.] That Section 39-0619 of the Revised Code of North Dakota for 1943, be and the same is hereby amended and re-enacted to read as follows:

39-0619. COURT TO DETACH PART OF LICENSE CARD UPON CONVICTION OF LICENSEE FOR MISDEMEANOR: FORWARDING CARD.] Any court in this state upon finding any licensee guilty of a misdemeanor under the provisions of this chapter, or of the laws of this state relating to highways, or upon finding any licensee guilty of violating any city ordinance defining the offense of driving a motor vehicle while under the influence of intoxicating liquor, reckless driving, driving at an unlawful speed, or other similar offense, may detach one of the three license cards and shall in each case forward such card immediately to the Commissioner with a statement of the facts regarding the offense.

Approved March 13, 1945.

CHAPTER 246

H. B. No. 161

Introduced by Representatives Anderson, Halcrow, Schwartz
and Sandness

LENGTH LIMITATION MOTOR VEHICLES

An Act To amend and re-enact Subsection 3, Section 39-1204 and Section 39-1205 of the North Dakota Revised Code of 1943, relating to length limitations on motor vehicles.

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

§ 1. AMENDMENT.] That Subsection 3, Section 39-1204 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

3. A length, including the load thereon, of thirty-five feet. No combination of vehicles, including the load thereon, shall exceed a length of forty-five feet. No more than two units shall be used in a combination, and a tractor-truck and a semi-trailer shall be considered as two units. The provisions of this subsection shall not apply to the carriage of equipment of the army or the defense forces of the United States Government, the national guard of this state, nor to structural material of telephone, power, and telegraph companies which necessarily must be transported on the highways on account of the location of their lines adjacent to such highways. Other structural material which could not be transported over the highways of this state on account of the provisions of this subsection, upon a showing of reasonable necessity and that the transporting of such structural material will not damage the highways to be used, may be transported upon obtaining a temporary permit from the commissioner or from any employee designated by the commissioner for such purposes.

§ 2. AMENDMENT.] That Section 39-1205 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

39-1205. WEIGHT LIMITATIONS FOR VEHICLES.] (1) No single axle shall carry a gross weight in excess of eighteen thousand pounds nor a wheel load to exceed nine thousand pounds. No wheel shall carry a gross weight in excess of five hundred and fifty pounds for each inch of tire width. Axles spaced forty inches apart or less shall be considered as one axle and on axles spaced over forty inches and under eight feet apart, the axle load shall not exceed fifteen thousand pounds per axle. The wheel load, in any instance, shall not exceed one-half the allowable axle load. Spacing between axles shall be measured from axle center to axle center. (2) Subject to the limitations imposed by the above subsection (1) on tires, wheel and

axle loads, no vehicle or combination of vehicles shall be operated whose gross weight, including the load, exceeds that determined by adding the distance in feet between the first axle and the last axle of such vehicle or combination of vehicles, to the factor forty (40) and multiplying this sum by seven hundred fifty (750); provided further that where the distance between the first axle and the last axle of any group of axles of such vehicle or combination of vehicles is eighteen (18) feet or less the gross weight on the group of axles under consideration shall be determined by adding the distance in feet between the first axle and the last axle of the group under consideration to the factor of forty (40) and multiplying this sum by six hundred fifty (650).

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

Approved March 13, 1945.

CHAPTER 247

S. B. No. 135

Introduced by Senators Bilden, Kehoe and Brant

LICENSE FEES, CERTAIN MOTOR VEHICLES

An Act To amend and re-enact Section 39-0453 of the North Dakota Revised Code of 1943 relating to license required by certain motor vehicles, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 39-0453 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

39-0453. FEES FOR VEHICLES OPERATED WITHIN MUNICIPALITY OR TRANSPORTING AGRICULTURAL PRODUCTS.] The owner of a motor vehicle which:

1. Is used by the owner of such vehicle for the transportation of farm or agricultural products of such owner from the farm where such products are produced or grown to the market, or the transportation of goods of the owner of such vehicle from the market or from livestock markets to the farm of such owner;
2. Is used for the transportation of any and all property between the farms and the usual local trading places and between the farms and the livestock markets of the person for whom such transportation is performed or between farms locally;
3. Motor vehicles used to carry and transport the necessary

tools, equipment and material of the owner in the performance of any lawful occupation or trade; or

4. Operates exclusively within the corporate limits of any city or village, or within two miles thereof, shall pay the following registration fees:

SCHEDULE B

Gross Weight in Pounds	License Fee
4,000 lbs. and under	\$ 13.50
6,000	16.00
8,000	18.50
10,000	21.00
12,000	23.50
14,000	26.00
16,000	28.50
18,000	31.00
20,000	34.00
22,000	37.00
24,000	40.00
26,000	80.00
28,000	85.00
30,000	100.00
32,000	125.00
34,000	150.00
36,000	180.00
38,000	210.00
40,000	250.00

The above schedule shall apply to the first year in which the vehicle is licensed. The registration fee for years subsequent to the year in which the vehicle first is licensed shall be the basic fee or major fraction thereof, less ten percent of the basic fee for each successive year, until the tax equals five dollars, which shall be the annual fee thereafter. A vehicle which was licensed in 1941 for less than five dollars shall be reduced ten per cent per year of its original basic fee until it reaches a minimum of three dollars, which will be the annual fee thereafter. Trucks used by star and rural mail carriers in the course of their duties in the delivery of mail, and equipped with special auxiliary equipment for use in snow and mud, shall be charged a license fee of three dollars per annum.

§ 2. EMERGENCY.] That this Act is hereby declared to be an emergency measure and the same shall be in full force and effect from and after its passage and approval.

Approved March 12, 1945.

CHAPTER 248

H. B. No. 162

Introduced by Representatives Anderson, Halcrow,
Swartz, and Sandness

LICENSE FEE CERTAIN TRUCKS

An Act To amend and re-enact Section 39-0424 of the North Dakota Revised Code of 1943, relating to license fees for registration of commercial and non-commercial trucks; providing for the registration of a combination of vehicles upon a gross weight basis.

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

§ 1. AMENDMENT.] That Section 39-0424 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

39-0424. SCHEDULE OF FEES.] All commercial and non-commercial trucks, except vehicles for the transportation of passengers, and vehicles excluded by Section 39-0453, shall pay the following registration fees.

SCHEDULE A

Gross Weight in Pounds	License Fees
4,000 and under	\$ 20.00
6,000	25.00
8,000	30.00
10,000	35.00
12,000	40.00
14,000	45.00
16,000	50.00
17,000	55.00
18,000	60.00
20,000	65.00
22,000	70.00
24,000	75.00
26,000	80.00
28,000	85.00
30,000	100.00
32,000	125.00
34,000	150.00
36,000	180.00
38,000	210.00
40,000	250.00

Over 40,000 pounds add forty-five (\$45.00) dollars for each additional ton (2,000) pounds or fraction thereof. The above schedule shall apply to the first year in which the vehicle is licensed. The registration fee for years subsequent to the year in which the vehicle

is first licensed shall be the basic fee or major fraction thereof, less ten per cent of the basic fee for each successive year until the tax equals seventy per cent of the original basic fee, which shall be the annual fee thereafter. A vehicle which was licensed in 1941 for less than five dollars shall be reduced ten per cent per year of its original basic fee until it reaches a minimum of three dollars, which will be the annual fee thereafter.

Approved March 14, 1945.

CHAPTER 249

H. B. No. 177

Introduced by Representatives Brady, Fleck and Sticka

LICENSE MOTOR VEHICLE DEALERS

An Act To amend and re-enact Section 39-0459 of the North Dakota Revised Code of 1943, providing for motor vehicle dealer licenses and the fees therefor; requiring the delivery of certificate of title for motor vehicles; providing for the cancellation of dealers' licenses by the Registrar of Motor Vehicles.

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

§ 1. That Section 39-0459 of the North Dakota Revised Code of 1943 be and the same hereby is amended and re-enacted to read as follows:

39-0459. MOTOR VEHICLE DEALER LICENSES; FEES: ADDITIONAL NUMBER PLATES.] A dealer in passenger automobiles and automobile trucks shall pay a license fee of twenty-five dollars (\$25.00) per year, which license shall allow the dealer to deal in new and used cars. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of five dollars (\$5.00) per set. Such number plates may be used on any car owned by the dealer and used by him in the ordinary course of his business, but shall be used on used cars only when such cars are used for demonstration purposes. A motorcycle dealer shall pay a license fee of five dollars (\$5.00) for each set of motorcycle number plates issued to him. Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone until and unless the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has an established place of business, and has, or has the use of, facilities and equip-

ment for the maintenance, servicing and repair of motor vehicles. An established place of business when used in this act shall mean a permanent enclosed building or structure either owned in fee or leased, at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of evading this act. Said place of business shall not mean residences, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements hereinbefore set forth.

§ 2. CERTIFICATE OF TITLE TO BE DELIVERED.] Every person, firm or corporation upon the sale and delivery of any motor vehicle shall within ten (10) day after such sale deliver to the vendee a certificate of title covering said motor vehicle endorsed according to law.

§ 3. CANCELLATION OF LICENSES.] Whenever any dealer in motor vehicles has violated any of the requirements or provisions of law relating to dealers in motor vehicles under the provisions of title 39 of the North Dakota Revised Code of 1943, or has been convicted of a felony, or shall have ceased to have an established place of business as herein required, the Motor Vehicle Registrar may cancel and revoke the dealer's license, and such cancellation and revocation shall be done in the manner and according to the procedure prescribed in Chapter 28-32 of the North Dakota Revised Code of 1943.

Approved March 9, 1945.

CHAPTER 250

S. B. No. 124

Introduced by Committee on Appropriations

SALARIES HIGHWAY PATROL

An Act Amending and re-enacting Section 39-0307 of the North Dakota Revised Code of 1943, fixing the salary of the superintendent, assistant superintendent and the highway patrolmen.

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

§ 1. AMENDMENT.] That Section 39-0307 of the North Da-

kota Revised Code of 1943 be amended and re-enacted to read as follows:

39-0307. SALARY OF SUPERINTENDENT; ASSISTANT SUPERINTENDENT; LIMITATIONS.] The salary of the superintendent shall not exceed Twenty Seven Hundred Dollars (\$2700.00) per annum; the salary of the assistant superintendent shall not exceed Twenty Four Hundred Dollars (\$2400.00) per annum; and the salary of each patrolman shall be fixed by the superintendent. All such salaries shall be paid monthly.

Approved March 9, 1945.

CHAPTER 251

H. B. No. 222

Introduced by Representatives Hegge and Falconer

TRUCK MILE TAX, HOW DETERMINED

An Act To amend and reenact Section 39-0429 and Section 39-0431 of the North Dakota Revised Code of 1943, relating to the determination of the truck-mile tax; providing for an exception; imposing fees in lieu of truck-mile tax; and providing for disposition thereof; and repealing Section 39-0433 of the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.] Section 39-0429 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 39-0429. TRUCK-MILE TAX; HOW DETERMINED.] The truck-mile tax shall be determined as follows:

Vehicle or combination of vehicles having an unloaded weight of not to exceed 3 tons-----	¼¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 3 tons and not exceeding 4 tons-----	½¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 4 tons and not exceeding 5 tons-----	¾¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 5 tons and not exceeding 6 tons-----	1¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 6 tons and not exceeding 7 tons-----	1¼¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 7 tons and not exceeding 8 tons-----	2¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 8 tons and not exceeding 9 tons-----	2½¢ per mile

Vehicle or combination of vehicles having unloaded
weight of 9 tons to 10 tons----- 3¢ per mile
Any vehicle or combination of vehicles having an un-
loaded weight of more than 10 tons----- 4¢ per mile

§ 2. AMENDMENT.] Section 39-0431 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 39-0431. The truck-mile tax imposed by this act shall not be required upon a vehicle already registered under an authorized intrastate certificate or permit issued by the Public Service Commission, upon which the prescribed fees have been paid and which has already been registered with the Motor Vehicle Department, and for which the regular license plates, as well as commercial C plates, provided by statute, have been purchased and displayed on said vehicle, even though said truck is also engaged in interstate commerce.

§ 3. Any motor carrier engaged exclusively in interstate commerce, who has not obtained an intrastate certificate, may, at his election, in lieu of paying the truck-mile tax imposed by this act, register every vehicle used in this state with the motor vehicle department and pay the fees for the regular license plates and commercial C plates, or identification tag, as required by law, and in addition thereto (1) pay a fee of \$30.00 annually on or before the 15th day of April of each calendar year, and (2) pay the sum of \$15.00 per vehicle or combination of vehicles as a listing fee, provided however, that the total listing fee shall not exceed the total sum of \$150.00. Provided however, that every private carrier, who is solely engaged in interstate commerce, who shall secure the regular license plates and pay the fees required by law therefor, shall be exempt from the truck-mile tax imposed herein. The fees imposed by this section in lieu of the truck-mile tax shall be paid as compensation for the right and privilege of using the public highways of this state to engage in interstate commerce.

§ 4. All fees collected by the Public Service Commission under this act shall be remitted monthly to the State Treasurer and shall be credited to the "Auto Transportation Fund."

§ 5. The powers and duties conferred and imposed by Sections 39-0426, 39-0427, 39-0428 and 39-0434 of the North Dakota Revised Code of 1943 upon the registrar of motor vehicles are hereby transferred to the Public Service Commission for administration.

§ 6. Section 39-0433 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 9, 1945.