

# MOTOR VEHICLES

## CHAPTER 264

S. B. No. 285  
(Morgan, Forkner, Lips)

### MOTOR VEHICLE DEFINITIONS

#### AN ACT

Regulating the modification of motor vehicles, and to amend and reenact sections 39-01-01, 39-10-03, and to create and enact section 39-10-03.1, and to amend and reenact sections 39-09-06, 39-10-08, 39-10-12, 39-10-25, 39-10-34, 39-10-43, and 39-10-61 of the North Dakota Century Code, relating to definitions, emergency vehicles, rules of the road and vehicle equipment.

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

§ 1. **Modification of Motor Vehicles.**) It shall be unlawful for any person to operate a motor vehicle of a type required to be registered under the laws of this state with an unloaded weight of six thousand pounds or less upon a public highway with either the rear or front and suspension system or steering mechanism altered or changed from the manufacturer's original design, except that nothing contained herein shall prevent the installation of manufactured heavy duty equipment to include shock absorber and over load springs, nor shall anything contained herein prevent a person from operating a motor vehicle on a public highway with normal wear of the afore-mentioned systems and mechanism and provided further that the normal wear shall not affect the control of the vehicle through the steering mechanism.

§ 2. **Amendment.**) Section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-01-01. Definitions.**) In this title, unless the context or subject matter otherwise requires:

1. Authorized emergency vehicles:
  - a. Class A authorized emergency vehicles shall mean:
    - (1) Vehicles of a governmental owned fire department;
    - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title pertaining to all motor

vehicles or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents;

- (3) Ambulances;
  - (4) Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota game and fish department;
  - (5) Vehicles owned or leased by the United States Government used for law enforcement purposes.
- b. Class B authorized emergency vehicles shall mean wrecker and such other emergency vehicles as are authorized by the local authorities.
2. "Bicycle" shall mean every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter;
  3. "Bus" shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;
  4. "Business district" shall mean the territory contiguous to a highway when fifty percent or more of the frontage thereon for distance of three hundred feet or more is occupied by buildings in use for business;
  5. "Commercial passenger transportation" shall mean the carriage of passengers for hire, except that such term shall not include:
    - a. The carriage of passengers within the limits of a city or village;
    - b. The carriage by local bus lines of passengers to or from a railroad station from or to places within any city or village or within two miles of the limits thereof;
  6. "Commercial freighting" shall mean the carriage of things other than passengers, for hire, except that such terms shall not include:
    - a. The carriage of things other than passengers within the limits of the same city or village;
    - b. Carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or village or in the immediate vicinity thereof,

- in this state, and not to exceed two miles from the corporate or recognized limits of said city or village;  
or
- c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market;
- \*7. "Commissioner" shall mean the commissioner of the North Dakota state highway department, acting directly or through his authorized agents;
8. "Controlled-access highway" shall mean every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway;
9. "Crosswalk" shall mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
10. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, or association doing business in several cities or villages or in several locations within a city shall be considered a separate dealer in each such location;
11. "Department" shall mean the motor vehicle department of this state;
12. "Director" shall mean the director of the division of public safety of this state;
13. "Division" shall mean the division of public safety of this state;
14. "Driver" shall mean every person who drives or is in actual physical control of a vehicle;
15. "Essential parts" shall mean all integral and body parts of a vehicle of a type required to be registered here-

**\*Note:** This definition was also amended as subsection 26 of section 39-01-01 by section 1 of chapter 277 of the 1963 S.L., but wording is identical.

- under, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation;
16. "Explosives" shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb;
  17. "Farm tractor" shall include every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry;
  18. "Flammable liquid" shall mean any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device;
  19. "Guest" shall mean and include a person who accepts a ride in any vehicle without giving compensation therefor;
  20. "Gross weight" shall mean the weight of a vehicle without load plus the weight of any load thereon;
  21. "Highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
  - \*22. "Implement of husbandry" shall mean every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway;
  23. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes

**\*Note:** This definition was created as subsection 62 of section 39-01-01 by section 2 of chapter 283 of the 1963 S.L.

two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

24. "Intoxicating liquor" shall mean and include any beverage containing alcohol;
25. "Judgment" shall mean any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages;
26. "Legal owner" shall mean a person who holds the legal title to a vehicle;
27. "Local authorities" shall include every county, municipal, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state;
28. "Mail" shall mean to deposit mail properly addressed and with postage prepaid with the United States postal service;
29. "Manufacturer" shall mean any person engaged in the business of manufacturing motor vehicles or trailers;
30. "Metal tires" shall include all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;
- \*31. "Motor-driven cycle" shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached;
32. "Motor vehicle" shall include every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

**\*Note:** This definition, which was formerly contained in subsection 27 of section 39-01-01, was repealed by section 7, chapter 265, of the 1963 S.L.

33. "Nonresident" shall mean any person who is not a resident of this state;
34. "Nonresident's operating privilege" shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state;
35. "Official traffic-control devices" shall mean all signs, signals, markings, and devices not inconsistent with this Act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;
36. "Operator" shall mean every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;
37. "Owner" shall mean a person who holds the legal title of a vehicle, or if 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 if 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 title;
38. "Pedestrian" shall mean any person afoot;
39. "Park", when prohibited, shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;
40. "Person" shall include every natural person, firm, co-partnership, association, or corporation;
41. "Pneumatic tires" shall include all tires inflated with compressed air;
42. "Pole trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections;
43. "Police officer" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

44. "Private road or driveway" shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;
45. "Proof of financial responsibility" shall mean proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident;
46. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
47. "Railroad sign or signal" shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;
48. "Reconstructed vehicle" shall mean every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used;
49. "Residence district" shall mean territory contiguous to a highway not comprising a business district, when the frontage on such highway for a distance of three hundred feet or more is occupied mainly by dwellings, or by dwellings and buildings in use for business;
50. "Right-of-way" shall mean the privilege of the immediate use of a roadway;
51. "Road tractor" shall mean every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
52. "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

53. "Safety zone" shall mean the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set aside as a safety zone;
54. "School bus" shall mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;
- \*55. "Semitrailer" shall include every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle;
56. "Sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;
57. "Solid tire" shall include every tire made of rubber or other resilient material other than a pneumatic tire;
58. "Specially constructed vehicle" shall mean any vehicle under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;
59. "Stand" or "standing" shall mean the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers;
60. "State" shall mean a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada;
61. "Stop", when required, shall mean complete cessation from movement;
62. "Stop" or "stopping", when prohibited, shall mean any halting, even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;
63. "Street" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

**\*Note:** This definition was also amended as subsection 8 of section 39-01-01 by section 2 of chapter 405 of the 1963 S.L.

64. "Through highway" shall mean every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same when stop signs are erected, or to yield right-of-way when yield right-of-way signs are erected as provided by law;
65. "Trackless trolley coach" shall mean every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails;
66. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purpose of travel;
67. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed;
68. "Trailer" shall include every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it shall not include a "house trailer" or "mobile home", which terms shall mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers;
69. "Truck" shall include every motor vehicle designed, used or maintained primarily for transportation of property;
70. "Truck tractor" shall include 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;
71. "Urban district" shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more;
72. "Vehicle" shall include every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**§ 3. Amendment.)** Section 39-10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-03. Class A Authorized Emergency Vehicles.)**

1. The driver of a class A authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this chapter;
  - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - c. Exceed the speed limit so long as he does not endanger life or property;
  - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle shall apply only:
  - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
  - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and when giving audible signal by siren or when giving adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred feet;
  - c. In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred feet.
3. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.

**§ 4. Amendment.)** Section 39-10-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-10-03.1. Class B Authorized Emergency Vehicles.)**

1. The driver of class B authorized emergency vehicles may:
  - a. Park or stand, irrespective of the provision of this chapter;
  - b. Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster;

- c. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet in any direction, and
  - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
  - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of him; or
  - c. When traveling at a speed slower than the normal flow of traffic.

§ 5. Amendment.) Section 39-09-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-09-06. Speed Limitations Inapplicable to Whom — Liability of Exempt Driver for Reckless Driving.)** The speed limitations provided for in this chapter shall not apply to class A authorized emergency vehicles. The exemptions provided for in this section shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

§ 6. Amendment.) Section 39-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 39-10-08. Drive on Right Side of Roadway — Exceptions.)**
1. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
    - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
    - b. When the right half of a roadway is closed to traffic while under construction or repair;
    - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
    - d. Upon a roadway designated and signposted for one-way traffic.
  2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to

the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.

§ 7. **Amendment.)** Section 39-10-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-12. When Overtaking on the Right Is Permitted.)**

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- a. When the vehicle overtaken is making or about to make a left turn;
- b. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or
- c. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway except for the purpose of overtaking a vehicle which is making or about to make a left turn.

§ 8. **Amendment.)** Section 39-10-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-25. Vehicle Entering Highway from Private Road or Driveway or Turning Left to Enter a Private Road or Driveway.)** The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway and a vehicle turning left to enter a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway and to any vehicle which is then in the left-hand lane overtaking or is about to overtake the left turning vehicle.

§ 9. **Amendment.)** Section 39-10-34 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-34. Pedestrians Soliciting Rides or Business.)** 1. No person shall stand on a highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle; and

2. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 10. **Amendment.)** Section 39-10-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-43. Certain Vehicles Must Stop at All Railroad Grade Crossings.)** 1. The driver of a bus carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks;

2. No stop need be made at any such crossing where a police officer directs traffic to proceed; and

3. This section shall not apply at railroad grade crossings within a business or residence district.

§ 11. **Amendment.)** Section 39-10-61 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-61. Clinging to Vehicles.)** No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway. No person shall drive a motor vehicle upon a public highway knowing the same to be attached by any bicycle, coaster, roller skates, sled, skis, toy vehicle or person.

Approved March 21, 1963.

## CHAPTER 265

H. B. No. 727

(Leet, Kelly, Burvee)

## MOTOR VEHICLE REGISTRATION

## AN ACT

To create and enact a new subsection of section 39-01-01 and subdivision d of subsection 2 of section 39-04-19, to amend and reenact sections 39-04-13, 39-04-35, 39-05-27, and 39-18-03 of the North Dakota Century Code, relating to the licensing and registration of motor vehicles; and to repeal subsection 27 of section 39-01-01, and sections 39-02-06, 39-04-45, 39-04-46, 39-04-47, 39-04-48, 39-04-49, 39-04-50, 39-04-51, 39-04-52, 39-04-53, 39-05-23, and 39-05-24 of the North Dakota Century Code, relating to transporting of vehicles and records of stolen vehicles.

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

§ 1.) A new subsection of section 39-01-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

“House car” shall mean a bus as defined in this section which has been reconstructed for private use as sleeping or living quarters.

§ 2. **Amendment.**) Section 39-04-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04-13. Duplicates To Be Obtained of Number Plate, Tab, Sticker, or Registration Card if Lost, Mutilated, or Illegible—Fee.)** If any number plate, tab, sticker, or registration card issued under the provisions of this chapter 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, which shall not exceed one dollar for each duplicate number plate, tab, sticker, or registration card issued.

§ 3.) Subdivision d of subsection 2 of section 39-04-19 of the North Dakota Century Code Supplement is hereby created and enacted to read as follows:

d. A house car shall be subject to registration at the corresponding rate prescribed for trucks under section 39-04-19, and the registrar shall issue distinctive plates for each house car registered.

§ 4. **Amendment.)** Section 39-05-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-05-27. Used Motor Vehicle Dealer to Have Certificate of Title or Other Documentary Evidence to Prove Possession.)** Every dealer in used or secondhand motor vehicles shall have in his possession a separate certificate of title assigned to such dealer, or other documentary evidence of his right to the possession of every motor vehicle in his possession.

§ 5. **Amendment.)** Section 39-18-03 of the North Dakota Century Code Supplement is hereby amended and reenacted to read as follows:

**39-18-03. Titling and Licensing of Mobile Homes.)** Every person other than a dealer who acquires a house trailer or mobile home shall within ninety days thereafter apply to the motor vehicle registrar for an official certificate of title to such vehicle in the manner and subject to the conditions prescribed in chapter 39-05. Except when a mobile home is being transported by a driveaway transporter duly registered and licensed under the laws of this state, no person shall haul a mobile home upon the highways of the state of North Dakota unless such mobile home shall first be registered with and titled by the motor vehicle department, and a certificate of title has been issued for such mobile home, and it displays a number plate issued by and under such regulations as the registrar of motor vehicles may prescribe. The annual fee for such licensing shall be ten dollars. If such mobile home enters the state carrying the current number plate of another state, no number plate shall be required by the state of North Dakota for a period of thirty days.

If such mobile home remains stationary or parked within the state of North Dakota for a period of one year, no mobile home license shall be required for that year; provided that nothing in this chapter shall permit the use of a dealer's tag on such mobile home after the said mobile home has been sold by the dealer to whom such tag was issued.

§ 6. **Transportation Certificates and In-Transit Plates.)** A vehicle otherwise properly registered may be used for transporting other vehicles not registered provided that the transporting vehicle have displayed a distinctive certificate which shall be available from the motor vehicle registrar upon payment of an annual fee of fifty dollars and provided further that each transported vehicle have displayed thereon a distinctive in-transit plate, which shall be transferable, which shall be available from the motor vehicle registrar upon payment of fifteen dollars for each such annual in-transit plate.

**\*§ 7. Repeal.)** Subsection 27 of section 39-01-01 and sections 39-02-06, 39-04-45, 39-04-46, 39-04-47, 39-04-48, 39-04-49, 39-04-50, 39-04-51, 39-04-52, 39-04-53, 39-05-23, and 39-05-24 of the North Dakota Century Code are hereby repealed.

Approved March 22, 1963.

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CHAPTER 266

S. B. No. 187  
(Holand)

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IDENTIFICATION OF STATE-OWNED VEHICLES

AN ACT

To amend and reenact section 39-01-02 of the North Dakota Century Code, relating to the identification of state-owned motor vehicles.

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

**§ 1. Amendment.)** Section 39-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-01-02. State-Owned Motor Vehicles to Have Name Painted on Side of Vehicles—Penalty for Failure.)** All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry shall have painted on each front door the following words: NORTH DAKOTA, in letters four inches in height. Two and one-half inches directly below such words shall be printed in letters one and one-half inches in height the name of the department, institution, or industry of the state owning or operating such motor vehicle. The width of the lettering required by this section shall be proportionate to the required height and the color of such lettering shall be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce the provisions of this section. The state auditor, in the course of spot checking or verifying the inventory of any department, institution, or industry, shall include in his report to the governor and the legislative assembly any instance of noncompliance with this section that shall come to his attention. The above requirements shall not apply to cars owned and operated by the state highway patrol or cars used principally in institutional, juvenile, parole and placement service; or to any truck owned

**\*Note:** Subsection 27 of section 39-01-01 which was repealed by this chapter was also amended and reenacted as subsection 31 by section 2 of chapter 264 of the 1963 S.L.

by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved March 21, 1963.

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## CHAPTER 267

H. B. No. 532

(Fitch, Burk, Stockman, Stallman)  
(Davis (Mercer-Dunn-Oliver), Tough)  
(From LRC Study)

### PUBLIC SAFETY DIVISION TRANSFER

#### AN ACT

To create and enact sections 39-03-16 and 39-03-17 of the North Dakota Century Code, relating to the division of public safety, and to repeal chapter 24-14 of the North Dakota Century Code, relating to the division of public safety.

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

§ 1.) Section 39-03-16 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-03-16. Safety Division Created—Director.)** There is hereby created a safety division within the state highway patrol for the purpose of reducing the danger of travel on the highways, roads, and streets of this state, the number of motor vehicle accidents with resultant loss of lives, personal injuries, and property damage, and encouraging better law enforcement, more uniform penalties, safe driving practices and public adherence to traffic safety laws, through public education, information, and support.

The director of the safety division shall be appointed by the superintendent in accordance with sections 39-03-03 and 39-03-04, and possessing such qualifications by education or experience in the field of highway safety as the superintendent shall determine. The director shall receive such compensation as may be determined by the superintendent.

§ 2.) Section 39-03-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-03-17. Powers and Duties of Director.)** The director, under the supervision of the highway patrol superintendent, shall direct and carry on a public education and information program and assist and cooperate with all governmental or private agencies, organizations or groups in order to encourage better and safer driving practices, better law enforcement, and more uniform penalties, for the purpose of reducing the number of motor vehicle accidents.

The director shall coordinate and strengthen the highway and traffic safety activities of the state of North Dakota and its political subdivisions. He shall specifically promote the coordination of the functions of driver licensing and control, financial responsibility, traffic law enforcement, and other highway and traffic safety activities of the state highway patrol, state highway department, and the motor vehicle registrar, and shall generally work and cooperate with the officials in charge of these departments and all public officials in all matters relating to motor vehicle safety.

All supplies and equipment of the public safety division of the highway department are hereby transferred to the public safety division of the highway patrol created by this Act.

**§ 3. Repeal.)** Chapter 24-14 of the North Dakota Century Code is hereby repealed.

Approved March 18, 1963.

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## CHAPTER 268

S. B. No. 153  
(Luick, Bopp, Kjos)

### RESCISSION OF VEHICLE REGISTRATION

#### AN ACT

To amend and reenact section 39-04-06 of the North Dakota Century Code, relating to the rescinding of motor vehicle registration.

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

**§ 1. Amendment.)** Section 39-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04-06. When Registration Rescinded.)** The department shall rescind and cancel the registration of a motor vehicle:

1. When the department shall determine that a vehicle is unsafe or unfit to be operated or is not equipped as required by law; or

2. 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 or on a motor vehicle not entitled thereto; or
3. Whenever the reciprocity commission finds that a vehicle which is registered in accordance with a reciprocity agreement, arrangement or declaration and such vehicle is operated in violation of such agreement.

Whenever a check is returned to the department for want of payment the department shall rescind and cancel the registration of the motor vehicle covered by such check thirty days after notification by regular mail. When payment of the registration fee is made the registration shall be renewed.

Approved March 16, 1963.

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## CHAPTER 269

S. B. No. 257

(Meidinger, Lips, Mutch)

### NUMBER PLATE STANDARDS

#### AN ACT

To amend and reenact section 39-04-12 of the North Dakota Century Code, relating to the issuance of motor vehicle license plates.

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

§ 1. **Amendment.)** Section 39-04-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04-12. Contents of Number Plates—Size of Letters and Numerals on Plates—Reflectorized—Tabs or Stickers—Additional Fee.)** Number plates shall be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and shall be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all such number plates shall be legible for a minimum distance of one hundred feet to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each standard six inch by twelve inch finished numeral plate except

trailer plates and dealers' plates shall be treated with a reflectorized material according to the specifications prescribed by the registrar. The registrar shall furnish such number plates for a four-year period commencing January 1, 1958. In any year during which number plates are not furnished the registrar shall furnish for each annual registration a year plate, tab, or sticker to designate the year of registration. This plate, tab, or sticker shall show the calendar year for which issued, and is valid only for that year. It shall be unlawful for any person to transfer to another vehicle the number plate, tab, or sticker during the period or calendar year for which issued. For the purpose of procuring number plates which are treated for increased visibility as hereinbefore provided, an additional fee of fifty cents per year for each registration of a vehicle shall be added to the registration fee, which additional fee shall be deposited by the registrar with the state treasurer. The funds so deposited shall be known as the "license plate revolving fund" and disbursements therefrom shall be made by warrants drawn by the registrar on vouchers duly approved by the department of accounts and purchases.

The motor vehicle registrar may, in his discretion, provide special plates marked with initials, letters, or combination of numerals and letters at the request of the registrant, upon application therefor and upon payment of an additional fee of one hundred dollars. In the event of sale or transfer of the vehicle, the special plates shall be surrendered and upon application, a regular license plate shall be issued without additional cost.

Approved March 9, 1963.

## CHAPTER 270

H. B. No. 629

(Connolly, Reimers, Hofstrand, Streibel, Johnston, Vendsel)

## RENEWAL OF REGISTRATIONS

## AN ACT

To amend and reenact sections 39-04-14 and 39-14-15 and to create and enact section 39-04-15.1 of the North Dakota Century Code, relating to the registration of motor vehicles and providing for the installment registration of vehicles with a gross weight in excess of thirty-six thousand pounds and providing a penalty.

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

**§ 1. Amendment.)** Section 39-04-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04-14. Renewal of Registration.)** Every vehicle registration, except those described in section 39-05-15.1, under this chapter 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. 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 may be required for the issuance of such new plates.

**§ 2. Amendment.)** Section 39-04-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04-15. When Registration Fees Become Due and Delinquent.)** The registration fee for a motor vehicle shall become due as soon as such vehicle first is used upon the highways of this state and, except as otherwise provided in this chapter, upon January first in each year thereafter. The annual registration fee shall be paid upon transfer of ownership in the vehicle and in any event on or before February first, and shall be delinquent after February first unless paid. Except as otherwise provided in this chapter, license fees falling due between February first and December thirty-first shall become delinquent upon the expiration of five days after the same becomes due.

§ 3. Section 39-04-15.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-04-15.1. Installment Registration of Vehicles Licensed for a Gross Weight in Excess of Thirty-Six Thousand Pounds—Delinquencies—Penalty.)** All motor vehicles registered for a gross weight in excess of thirty-six thousand pounds, may be registered by the payment of registration fees in two installments, each equal to one-half of the annual fee. Such installments shall be due on January 1, July 1 of each year and delinquent on January 15, and July 15 respectively. A penalty, in addition to that provided in section 39-04-16, of twenty-five dollars shall be added to any installment delinquent under the provisions of this section. When any vehicle is initially registered between installment dates hereunder, the registrar may prorate the fee in equal installments consisting of the date of such initial registration and any unexpired installment dates. The license plates shall be issued upon the payment of the first installment, plus five dollars, but upon default in the payment of any installment, the registrar shall cause the license plates to be removed from the vehicle involved and shall not reissue them until the installment plus penalties have been paid.

Approved March 9, 1963.

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CHAPTER 271

S. B. No. 287  
(Nelson, Strinden)

FARM TRUCK REGISTRATION

AN ACT

To amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to the registration of farm trucks.

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

§ 1. **Amendment.)** Subsection 5 of section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Vehicles having a gross weight of more than 24,000 but not more than 57,000 and which are used as farm vehicles only, shall be entitled to registration upon payment of fifty percent of the fee prescribed in subsection 2b of this section. A farm vehicle shall be considered, for the purpose of this subsection, as a motor vehicle owned and operated by a bona

fide resident farmer who uses such vehicle exclusively for transporting his own property between farms and the usual local trading places and not for hire. The registrar shall issue a distinctive registration plate for such vehicles.

Approved March 8, 1963.

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## CHAPTER 272

H. B. No. 558

(Tveten, Bilden, Davis (Dickey), Stallman)

### CHANGE IN REGISTERED WEIGHT

#### AN ACT

To amend and reenact section 39-04-23 of the North Dakota Century Code, providing for reregistration of certain trucks at lower weight brackets.

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

**§ 1. Amendment.)** Section 39-04-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04-23. Registered Motor Vehicle Transporting Property May Change Registration to Higher or Lower Gross Weight.)**

1. Any owner of a motor vehicle transporting property who has licensed such vehicle for any gross weight limitations, may change such registration to a higher gross weight limitation, by the payment of the difference between the fee required for the new registration and the fee paid for the registration under which the vehicle is being operated. If such owner makes an application for such change of registration, such additional registration fee shall be for the remainder of the year prorated on a monthly basis, one-twelfth of the annual higher registration fee for each calendar month or fraction thereof. In no event shall such fee be less than three dollars.

2. In the event that any owner of a motor vehicle which has been registered at a gross weight of more than 24,000 pounds but less than 42,001 pounds shall alter or remove equipment therefrom which will make it impossible for such vehicle to lawfully operate at the gross weight for which it is registered, the owner may apply to the motor vehicle registrar to have the registered gross weight lowered to an amount equal to the weight at which such vehicle can lawfully operate, but not less than 24,000 pounds. Upon approval

of such change in registration, the motor vehicle registrar shall credit to the owner of the vehicle a sum equal to the difference between the license fee paid at the gross weight at which the vehicle was previously registered and the fee for the new registered weight, multiplied by the fraction of the year remaining in the registration period calculated upon the basis of the number of full months remaining in the calendar year after the date of change in registration.

Approved March 14, 1963.

## CHAPTER 273

H. B. No. 628

(Connolly, Hofstrand, Streibel, Vendsel, Reimers, Johnston)

### TRANSFER OF REGISTRATION

#### AN ACT

To amend and reenact section 39-04-36 of the North Dakota Century Code, relating to the transfer of registration and number plates to provide for such transfer in certain instances.

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

§ 1. **Amendment.)** Section 39-04-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04-36. Transfer of Registration and Number Plates Upon Transferring or Assigning Title—Exception.)** Whenever the owner of a vehicle registered under the provisions of this chapter transfers or assigns his title thereto or interest therein, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as provided in this chapter. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year except that the owner of vehicles described in section 39-04-20 may transfer number plates from one truck to a new replacement truck by compliance with procedures established by the registrar. A five dollar fee shall accompany each such transfer of registration. Whenever the truck from which plates are transferred remains in a motor vehicle dealer's possession in North Dakota, it must be licensed for a minimum weight of 24,000 pounds for the unexpired portion of the registration period. Such vehicle, however, shall not be operated upon the highways of this state until properly licensed therefor under the provisions of this chapter.

Approved March 21, 1963.

## CHAPTER 274

H. B. No. 806  
(Anderson (Richland) )

## REGISTRATION FEE DISTRIBUTION

## AN ACT

To amend and reenact subdivision a of subsection 3 of section 39-04-39 of the North Dakota Century Code, as amended by the 1961 Legislature, relating to distribution of motor vehicle fees.

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

**§ 1. Amendment.)** Subdivision a of subsection 3 of section 39-04-39 of the North Dakota Century Code, as amended by the 1961 Legislature, is hereby amended and reenacted to read as follows:

- a. An amount equal to the sum credited and transferred to the counties from such fees for the fiscal year ending June 30, 1960, shall be distributed quarterly to the counties of this state in proportion to the number of motor vehicle registrations credited to each county. Each county shall be credited with the certificates of title of all motor vehicles registered by residents of such county; and

Approved March 21, 1963.

## CHAPTER 275

H. B. No. 783  
(Burvee, Backes, Schaffer, Stallman)

## COMMERCIAL VEHICLE REGISTRATION FEES

## AN ACT

To amend and reenact section 39-04A-04 of the North Dakota Century Code, relating to the fee for registration of motor vehicles engaged in transportation of property.

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

**§ 1. Amendment.)** Section 39-04A-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04A-04. Fees.)** Such annual fees shall be based on the gross weight for which the motor vehicle is licensed by the motor vehicle registrar and shall be in the following amounts:

1. This chapter shall not apply to motor vehicles having a registered gross weight of ten thousand pounds or less;
2. Motor vehicles licensed for a gross weight of twelve thousand pounds or more, and including twenty-four thousand pounds, four dollars for each two thousand pounds of registered gross weight.

The minimum fee shall be ten dollars for each motor vehicle. A resident farmer engaged in the business of custom harvesting shall be entitled to registration under this chapter upon payment of such minimum fee. The fee for motor vehicles placed in service after June thirtieth and before September thirtieth shall be one-half of the annual fee, after September thirtieth, one-fourth of the annual fee.

Approved March 13, 1963.

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## CHAPTER 276

S. B. No. 159  
(Thompson, Longmire)

### COMMERCIAL VEHICLE REGISTRATION EXCEPTIONS

#### AN ACT

To amend and reenact section 39-04A-06 of the North Dakota Century Code, relating to persons who shall not be charged additional fees for use of motor vehicles engaged in transportation of property.

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

**§ 1. Amendment.)** Section 39-04A-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-04A-06. Exceptions.)** This chapter shall not apply to any bona fide resident farmer or beekeeper who shall:

1. Transport property between farms and the usual local trading places, between farms locally, or transport farm equipment owned by a bona fide resident farmer of this state when such farm equipment is transported in vehicles owned by such resident farmer;
2. Transport his own livestock or commodities from his farm with his own truck to any village, market, or place where such livestock and commodities are to be sold, stored, or otherwise disposed of, or transport livestock or commodities from any village, city or place where

same is purchased or acquired to his farm where such supplies are to be used, consumed, or processed;

3. In the normal course of his business exchange work with his neighbors.

In addition, any person transporting property within the city or village limits or not to exceed two miles from the corporate or recognized limit of such city or village shall be excepted from the provisions of this chapter.

Approved March 7, 1963.

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## CHAPTER 277

H. B. No. 531

(Fitch, Burk, Stockman, Tough, Stallman)  
(From LRC Study)

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### LICENSING MOTOR VEHICLE OPERATORS

#### AN ACT

To amend and reenact subsection 26 of section 39-01-01, sections 39-06-01, 39-06-02, 39-06-18, 39-06-20, 39-06-26, 39-06-27, 39-06-33, 39-08-14, and 39-08-16 of the North Dakota Century Code, relating to the licensing of motor vehicle operators.

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

**§ 1. Amendment.)** Subsection 26 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \*26. "Commissioner" shall mean the commissioner of the North Dakota state highway department, acting directly or through his authorized agents;

**§ 2. Amendment.)** Section 39-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-01. Operators Must Be Licensed.)** No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator under the provisions of this chapter. No person shall receive an operator's license unless and until he surrenders to the commissioner all valid operator's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the

**\*Note:** This definition was also amended as subsection 7 of section 39-01-01 by section 2 of chapter 264 of the 1963 S.L.

commissioner to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid operator's license at any time.

Any person licensed as an operator hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations, except that municipalities may license draymen, parcel delivery men, bus drivers, taxi drivers, porters, expressmen, watermen, and others pursuing like occupations, and the operation of taxicabs, as provided by subsection 27 of section 40-05-01.

**§ 3. Amendment.)** Section 39-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-02. What Persons Are Exempt from License.)** The following persons are exempt from license hereunder:

1. Any employee of the United States Government while operating a motor vehicle owned by or leased to that government and being operated on official business;
2. A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operator's license issued to him in his home state or country, may operate a motor vehicle in this state;
3. A nonresident who is at least sixteen years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle within this state for a period of not more than thirty days in any calendar year without making an application for or obtaining an operator's license of this state, provided, however, that he shall have in his possession while driving in this state an official certificate showing the lawful registry of the motor vehicle and be able to prove his lawful possession or the right to operate such vehicle and to establish his identity;
4. A member of the armed forces of the United States may operate a motor vehicle in this state while he is stationed in North Dakota, provided he has a valid current operator's license from another state; and
5. A person over sixteen years of age who becomes a resident of the state of North Dakota and who has in his possession a valid operator's license issued to him pursuant to the laws of some other state or province or by military authorities of the United States may operate

a motor vehicle for a period of not more than sixty days after becoming a resident of this state, without being required to have a North Dakota operator's license.

**§ 4. Amendment.)** Section 39-06-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-18. Duplicate Certificates.)** In the event that a permit or license issued under the provisions of this chapter is lost, mutilated or destroyed, or contains erroneous information due to a change in name, address, or for any other reason, the person to whom the same was issued may obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the commissioner that such permit or license has been lost, mutilated, or destroyed, or is erroneous, and upon payment of a one dollar fee.

**§ 5. Amendment.)** Section 39-06-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-20. Notice of Change of Address or Name.)** Whenever any person after applying for or receiving an operator's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the commissioner in writing of his old and new addresses or of such former and new names and of the number of any license then held by him. Such person may obtain a corrected license or permit by making application as provided for in section 39-06-18.

**§ 6. Amendment.)** Section 39-06-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-26. Reporting Convictions, Suspensions, or Revocations of Nonresidents.)** The commissioner may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the licensing authority in the state wherein the person so convicted is a resident.

When a nonresident's operating privilege is suspended or revoked pursuant to any law of this state, the commissioner shall forward a certified copy of the record of such action to the licensing authority in the state wherein such nonresident resides or is licensed.

**§ 7. Amendment.)** Section 39-06-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-27. Suspending Licenses Upon Conviction, Suspension, or Revocation in Another State.)** The commissioner may suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator.

Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked in any other state pursuant to a law providing for the suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the commissioner to suspend a nonresident's operating privileges had the accident occurred in this state, the commissioner shall suspend the license of such resident if he was the driver of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence satisfactory to the commissioner of his compliance with the laws of such other state relating to the deposit of security or payment of a judgment arising out of a motor vehicle accident, to the extent that such compliance would be required if the accident had occurred in this state.

**§ 8. Amendment.)** Section 39-06-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-33. Hearing Subsequent to License Suspension.)** Upon suspending the license of any person as authorized in section 39-06-32, the commissioner shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty days after receipt of such request in the county wherein the licensee resides unless the department and licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the commissioner shall either rescind his order of suspension or, good cause appearing therefor, may continue, modify, or extend the suspension of such license or revoke such license.

**§ 9. Amendment.)** Section 39-08-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-08-14. Public Inspection of Reports Relating to Accidents.)** 1. All accident reports made by persons involved in

accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

2. All accident reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted, except, however, that the accident report by law enforcement or investigating officers may be examined by any person named therein, or by his representative designated in writing.

3. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the commissioner shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner in compliance with law.

§ 10. Amendment.) Section 39-08-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-08-16. Any Incorporated City May Require Accident Reports.)** Any incorporated city, town, village, or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall file with a designated city department a report of such accident or a copy of any report herein required to be filed with the commissioner. All such reports shall be for the confidential use of the city department and subject to the provisions of section 39-08-14.

Approved March 9, 1963.

## CHAPTER 278

H. B. No. 681  
(Solberg, Baldwin, Johnston)

## RENEWAL OF OPERATORS' LICENSES

## AN ACT

To amend and reenact sections 39-06-07, 39-06-15, and 39-06-19 of the North Dakota Century Code, relating to the licensing of motor vehicle operators and to provide an effective date.

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

§ 1. **Amendment.**) Section 39-06-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-07. Application for License or Instruction Permit.)**

1. Every application for an instruction permit or for an operator's license shall be made upon a form furnished by the commissioner. Every application shall be signed by the applicant with full name. In signing the application the applicant shall be deemed to have certified that all information contained on the application is true and correct and shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

2. Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether an application has ever been refused, suspended, canceled, or revoked and, if so, the date of and reason for such suspension, cancellation, revocation, or refusal. The application shall contain such other information as the commissioner may require.

3. Whenever an application is received from a person previously licensed in another jurisdiction, the commissioner may request a copy of the driver's record from such other jurisdiction. When received, the driving record shall become a part of the driving record in this state with the same force and effect as though entered on the driving record in this state in the original instance.

4. Whenever the commissioner receives a request for a driving record from another licensing jurisdiction the record shall be forwarded without charge.

§ 2. **Amendment.)** Section 39-06-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-15. Commissioner May Appoint Agents to Issue Licenses — Fees.)** The commissioner may appoint as many local agents as in his judgment may be deemed necessary for the purpose of issuing and causing to be issued operator's licenses as provided in this chapter. Each such local agent may issue such licenses within or without the county of his residence. The compensation that may be charged by such local agent shall not exceed the sum of ten cents for each such license issued, which sum shall be paid by the person to whom the license is issued, in addition to the license fee provided for in this chapter.

§ 3. **Amendment.)** Section 39-06-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-19. Expiration of License—Renewal.)** Every operator's license issued under the provisions of this chapter shall expire and be renewed according to the following schedule: The expiration date of operator's license for every person whose year of birth occurred in a year ending in an odd numeral shall be twelve o'clock midnight on the last day of the birth month in the next succeeding year ending in an odd numeral. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an even numeral shall be twelve o'clock midnight on the last day of the birth month in the next succeeding year ending in an even numeral. Application with fee for renewal of license shall be presented to the commissioner not prior to thirty days before the birthdate anniversary of the applicant. The commissioner may require an examination of an applicant as upon an original application. Every person submitting application and fee for renewal of license one year or more after expiration of license shall be treated as a new driver and subject to the examination as upon an original application. The fee for every operator's license shall be three dollars except that a licensee under the age of eighteen shall pay a one dollar and fifty cent fee. Notwithstanding the foregoing provisions the fee for renewal of an operator's license expiring during the year of nineteen hundred sixty-four shall be one dollar and fifty cents except that a licensee under the age of eighteen shall pay a seventy-five cent fee.

§ 4. **Effective Date.)** The provisions of this Act shall become effective on January first, nineteen hundred and sixty-four.

Approved March 9, 1963.

## CHAPTER 279

H. B. No. 707  
(Stallman, Leahy)

## SUSPENSION OF OPERATORS' LICENSES

## AN ACT

To amend and reenact section 39-06-39 of the North Dakota Century Code, relating to appeals from the commissioner's decision in the suspension, revocation, or cancellation of a motor vehicle operator's license.

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

§ 1. **Amendment.)** Section 39-06-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-06-39. Review by Court.)** Any person denied a license or whose license has been canceled, suspended, or revoked by the commissioner under the provisions of this chapter, except where such cancellation or revocation is mandatory, may within thirty days after the determination by the commissioner, file a petition for a hearing of the matter in the district court in the county in which such person shall reside or in the county in which the administrative hearing, if any, was held. In all cases wherein the license of such person was suspended under authority of subsection 2 or 3 of section 39-06-32, the filing of a petition for judicial review as authorized by this section shall have the effect of suspending the order of the commissioner until the court shall review the determination of the commissioner, but in no event for a period exceeding thirty days unless such petition is continued by the court for good cause shown. It shall be the duty of the court to set the matter for hearing, and the petitioner shall give thirty days' written notice thereof to the commissioner. Thereupon the court shall take testimony and examine into the facts of the case and determine anew whether the petitioner is entitled to a license or is subject to suspension, cancellation, or revocation of license under the provisions of this chapter. The decision of the district court may be appealed to the supreme court by either the petitioner or the commissioner, in which event the supreme court shall hear and determine the matter de novo upon the record of the proceedings had in the district court.

The foregoing provisions of this section shall be legibly printed or stamped upon the notice given to the applicant or

licensee informing him of the action taken by the commissioner.

Approved March 7, 1963.

## CHAPTER 280

S. B. No. 192  
(Kee, Kjos, Luick)

### EXCESS SIZE AND WEIGHT PERMITS

#### AN ACT

To amend and reenact section 39-12-02 of the North Dakota Century Code, relating to authority to grant permits for vehicles of excessive size and weight and to authorize granting of permits for vehicles carrying loads extending more than three feet beyond the front thereof, to establish charges for the issuance of permits and to make an appropriation.

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

§ 1. **Amendment.)** Section 39-12-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-12-02. Special Permits for Vehicles of Excessive Size and Weight Issued—Contents—Fees.)** The commissioner and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified by this chapter, or with a load extending more than three feet beyond the front thereof, upon a highway under the jurisdiction of the body granting the permit. Every such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be opened to inspection by any peace officer. It shall be a violation of the provisions of this chapter for any person to violate any of the terms or conditions of such special permit.

An appropriate charge shall be made for each permit and all funds collected hereunder by the state highway commissioner shall be deposited in the state highway fund and are hereby appropriated for use in the construction and maintenance of highways and operating expenses of the highway department. Official or publicly owned vehicles shall not be required to pay charges for permits.

Approved March 9, 1963.

## CHAPTER 281

S. B. No. 161

(Sinner, Thompson, Redlin, Trenbeath)

## FINANCIAL RESPONSIBILITY REVOCATION

## AN ACT

To amend and reenact subsection 2 of section 39-16-16 of the North Dakota Century Code, relating to proof of financial responsibility and licensing of motor vehicle operators.

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

**§ 1. Amendment.)** Subsection 2 of section 39-16-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If a person by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the revocation of license, or for operating a motor vehicle upon the highways while his privilege to drive is under suspension, revocation, or cancellation, or for driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, no license shall be thereafter issued to such person until he shall give and thereafter maintain proof of financial responsibility.

Approved March 9, 1963.

## CHAPTER 282

S. B. No. 280

(Ringsak)

## UNSATISFIED JUDGMENT FUND PAYMENTS

## AN ACT

To amend and reenact sections 39-17-01, 39-17-07 and 39-17-09 of the North Dakota Century Code, relating to payments for and out of the unsatisfied judgment fund.

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

**§ 1. Amendment.)** Section 39-17-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-17-01. Additional Registration Fee.)** At the time of registering a motor vehicle the owner shall pay to the motor vehicle registrar in addition to the registration fees, a fee of one dollar for each motor vehicle registered;

**§ 2. Amendment.)** Section 39-17-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-17-07. Limitation on Amount Payable from Fund.)** No order shall be made by the court directing the payment of more than ten thousand dollars, exclusive of costs, in the case of a judgment resulting from bodily injury to, or the death of, one person in one accident, nor, subject to such limit of ten thousand dollars for each person so injured or killed in one accident, shall an order be made directing the payment of judgments for more than twenty thousand dollars, exclusive of costs, in cases arising out of one accident. In cases where the judgment creditor has effected the collection of a part of his judgment from any source, the amount authorized to be paid from such fund shall be the difference between the amount of the judgment, provided that it does not exceed ten thousand dollars, and the amount realized thereon;

**§ 3. Amendment.)** Section 39-17-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-17-09. Order of Payment from Fund-Prorate Distribution.)** In the event, at the time of the filing of such order, there is not sufficient moneys in said fund to satisfy said order, such order shall be registered by the state treasurer and shall be paid when the moneys are available in said fund and subsequent orders shall be paid therefrom in the order of registration; provided, that if more than two judgments are obtained against a judgment debtor upon causes of action arising out of one accident and the aggregate amount due thereon, after crediting collections, if any, exceeds twenty thousand dollars, the court in making its order shall direct that the state treasurer shall prorate the distribution from the fund in the proportion which each such judgment or the balance unpaid thereon bears to the sum of twenty thousand dollars.

Approved March 6, 1963.

## CHAPTER 283

H. B. No. 529

(Fitch, Burk, Stockman, Tough, Stallman)  
(From LRC Study)

## MOTOR VEHICLE EQUIPMENT

## AN ACT

To create and enact subsection 62 of section 39-01-01, sections 39-10-02.1, 39-10-54.1, 39-10-63.1, and chapter 39-21 of the North Dakota Century Code; to amend and reenact subsection 4 of section 24-01-13, sections 39-07-02, 39-07-03, 39-07-04, 39-07-05, 39-07-07, 39-07-11, 39-10-04, 39-10-15, 39-10-23, 39-10-24, 39-10-39, 39-10-44, and 39-10-46 of the North Dakota Century Code, relating to the operation and equipment of motor vehicles, and providing a penalty; and to repeal subsection 1 of section 39-10-22, sections 39-10-10, 39-10-66, and 39-12-10, and chapter 39-11 of the North Dakota Century Code, relating to the operation and equipment of motor vehicles.

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

§ 1. **Amendment.)** Subsection 4 of section 24-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Issue permits authorizing the operation of tractors or traction engines with movable tracks as provided for under subsection 4 of section 39-21-40;

§ 2. **Amendment.)** Subsection 62 of section 39-01-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

- \*62. "Implement of husbandry" shall mean every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry.

§ 3. **Amendment.)** Section 39-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-07-02. Owner of Property Used for Vehicular Travel May Prohibit or Require Additional Conditions to Use.)** The provisions of chapters 39-08 through 39-13, and chapter 39-21, shall not be construed to prevent the owner of real property used by the public for purposes of vehicular travel, by the permission of such owner and not as a matter of right, from

\***Note:** This definition was amended as subsection 22 of section 39-01-01 by section 2 of chapter 264 of the 1963 S.L.

prohibiting such use nor from requiring different or additional conditions other than those specified in such chapters or otherwise regulating such use as may seem best to such owner.

§ 4. **Amendment.)** Section 39-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-07-03. Through Highways Designated by Commissioner and Local Authorities—“Stop” and “Yield” Intersections.)** The commissioner with reference to state highways, and local authorities, with reference to highways under their jurisdiction, may, by proclamation, designate as through highways, any highway, street, or part thereof, and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

§ 5. **Amendment.)** Section 39-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-07-04. Powers of Local Authorities.)** Except as expressly authorized by section 39-09-03 and section 39-07-03, local authorities may not alter any speed limitations declared in chapter 39-09, or enforce any rule or regulation contrary to the provisions of chapters 39-08 through 39-13, and chapter 39-21. Local authorities, under ordinance, shall have the power to:

1. Regulate traffic by means of traffic officers, semaphores, or other signaling devices on any portion of the highway where traffic is heavy or continuous;
2. Prohibit other than one-way traffic upon certain highways;
3. Regulate the use of the highways by processions or assemblages;
4. Regulate the speed of vehicles in public parks. Adequate signs giving notice of any such special speed limit that may be provided for shall be erected and placed in the entrances to all such parks;
5. Regulate and control the use of public and private parking lots; and
6. Provide a multi-lane system of traffic control where the width of the highway and other conditions permit.

§ 6. **Amendment.)** Section 39-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-07-05. Applicability of Provisions of Chapters.)** The provisions of chapters 39-08 through 39-13, and chapter 39-21, applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by this state or any county, district, or other political subdivision of this state subject to such specific exceptions as are set forth in such chapters. The provisions of such chapters shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway and other procedures that are necessary and are carried on in a safe and prudent manner but shall apply to such persons and vehicles when traveling to or from such work.

**§ 7. Amendment.)** Section 39-07-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-07-07. Arresting Person for Violating Traffic Regulations—Duty of Officer Arresting.)** Whenever any person is arrested for the violation of any of the provisions of chapters 39-08 through 39-13, and chapter 39-21, the officer arresting such person, except as otherwise provided in section 39-07-09, shall:

1. Take the name and address of such person;
2. Take the license number of his motor vehicle; and
3. Issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

**§ 8. Amendment.)** Section 39-07-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-07-11. Magistrates to Keep Record of Convictions of Traffic Regulations.)** Every magistrate in this state shall keep a full record of every case in which a person is charged with a violation of any provision of chapters 39-08 through 39-13, and chapter 39-21.

**§ 9.)** Section 39-10-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-10-02.1. Persons Riding Bicycles, Animals, or Driving Animal-Drawn Vehicles.)** In addition to any special regulations, any person riding a bicycle, an animal, or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions which by their very nature can have no application.

**§ 10. Amendment.)** Section 39-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-04. Obedience to and Required Traffic-Control Devices.)** The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that signs are required, such statute shall be effective even though no signs are erected or in place.

Whenever traffic signs, traffic devices, or traffic control signals are placed in a position approximately conforming to the requirements imposed by law, such signs, devices, and control signals shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

Any traffic sign, traffic device, or traffic control signal placed pursuant to the provisions of law and purporting to conform to the lawful requirements pertaining to such signs, devices, or signals shall be presumed to comply with the requirements of law unless the contrary shall be established by competent evidence.

**§ 11. Amendment.)** Section 39-10-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-15. No-Passing Zones.)** 1. The state highway commissioner is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

2. Where signs or markings are in place to define a no-passing zone as set forth in subsection 1, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

§ 12. **Amendment.)** Section 39-10-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-23. Vehicle Turning Left at Intersection.)** The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

§ 13. **Amendment.)** Section 39-10-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-24. Vehicle Entering Stop or Yield Intersection.)** 1. Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized in section 39-07-03.

2. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection 4 of section 39-10-44 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard.

3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in subsection 5 of section 39-10-44, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. If such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after having driven past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

§ 14. **Amendment.)** Section 39-10-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-39. Signals by Hand and Arm or Signal Lamps.)** 1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps, except as otherwise provided in subsection 2 of this section; and

2. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps when the distance from the center of the top of the

steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

**§ 15. Amendment.)** Section 39-10-44 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-44. Stop Signs and Yield Signs.)** 1. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in section 39-07-03.

2. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk, on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

3. Every stop sign shall bear the word "STOP" in letters not less than eight inches in height. Every yield sign shall bear the word "YIELD" in letters not less than seven inches in height. Every stop sign and every yield sign shall at night-time be rendered luminous by internal illumination, or by a light projected on the face of the sign or by efficient reflecting elements in the face of the sign.

4. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

5. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

**§ 16. Amendment.)** Section 39-10-46 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-46. Overtaking and Passing School Bus.)** 1. The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either

direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in section 39-21-18 and said driver shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed or the visual signals are no longer actuated.

2. Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of section 39-21-18, which shall be actuated by the school bus driver whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

3. When a school bus is being operated upon a highway for purposes other than the actual transportation of children, all markings thereon indicating "SCHOOL BUS" shall be covered.

4. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

§ 17.) Section 39-10-54.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-10-54.1. Opening and Closing Vehicle Doors.)** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 18.) Section 39-10-63.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-10-63.1. Lamps and Other Equipment on Bicycles.)** 1. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the registrar which shall be visible from all distances from fifty to five hundred feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

2. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

§ 19.) Chapter 39-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

#### CHAPTER 39-21

#### EQUIPMENT OF VEHICLES

**39-21-01. When Lighted Lamps Are Required.)** Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. No motor vehicle shall be operated upon the highways or streets of this state with only the parking lights turned on.

**39-21-02. Visibility Distance and Mounted Height of Lamps.)** 1. Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in section 39-21-01 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

2. Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

**39-21-03. Head Lamps on Motor Vehicles.)** 1. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

2. Every motorcycle and every motordriven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

3. Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not

more than fifty-four inches nor less than twenty-four inches to be measured as set forth in subsection 2 of section 39-21-02.

**39-21-04. Tail Lamps.)** 1. Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of one thousand feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. Every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1964 shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as herein required, shall comply with the provisions of this section.

2. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

3. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

**39-21-05. New Motor Vehicles To Be Equipped with Reflectors.)** 1. Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section 39-21-08 shall be equipped with reflectors as required in those sections applicable thereto.

2. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in subsection 2 of section 39-21-02, and shall be of such size and characteristics and so mounted as to be visible as required in section 39-21-11.

**39-21-06. Stop Lamps and Turn Signals Required on New Motor Vehicles.)** 1. No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1964 unless it is equipped with at least two stop lamps meeting

the requirements of section 39-21-19, except that a motorcycle, motor-driven cycle or truck tractor manufactured or assembled after said date shall be equipped with at least one stop lamp meeting the requirements of said section 39-21-19.

2. No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer or semitrailer registered in this state and manufactured or assembled after January 1, 1952 unless it is equipped with electrical turn signals in good working order, meeting the requirements of section 39-21-19. This subsection shall not apply to any motorcycle, motor-driven cycle, or trailer or semitrailer of less than three thousand pounds gross weight.

**39-21-07. Application of Succeeding Sections.)** Those sections of this chapter which follow immediately, including sections 39-21-08, 39-21-09, 39-21-10, 39-21-11, and 39-21-12, relating to clearance and marker lamps, reflectors, and stop lights, shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 39-21-01, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet.

**39-21-08. Additional Equipment Required on Certain Vehicles.)** In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in section 39-21-07:

1. On every bus, truck, trailer, or semitrailer there shall be the following:

a. On the rear, two reflectors, one at each side, and one stop light. A trailer or semitrailer which is not so loaded or of such dimensions as to obscure the stop light on the towing vehicle, need not be equipped with a stop light.

2. On every bus, truck, trailer, or semitrailer eighty inches or more in overall width there shall be the following:

a. On the rear, two reflectors, one at each side, two clearance lamps, one at each side, and one stop light;  
b. On the front, two clearance lamps, one at each side;

3. On every truck tractor there shall be the following:

a. On the front, two clearance lamps, one at each side;  
b. On the rear, one stop light;

4. On every pole trailer there shall be the following:
  - a. On the rear of the pole trailer or load, two reflectors, one at each side.
  - b. In addition, on pole trailers exceeding three thousand pounds gross weight, there shall be on each side one side marker lamp and one clearance lamp which may be in combination, to show to the front, side, and rear.

**39-21-09. Color of Clearance Lamps, Side Marker Lamps, Back-up Lamps and Reflectors.)** 1. Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

2. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

3. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

**39-21-10. Mounting of Reflectors, Clearance Lamps and Side Marker Lamps.)** 1. Reflectors when required by section 39-21-08 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

2. Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

**39-21-11. Visibility of Reflectors, Clearance Lamps and Marker Lamps.)** 1. Every reflector upon any vehicle referred to in section 39-21-08 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams

of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

2. Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the front and rear, respectively, of the vehicle.

3. Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the side of the vehicle on which mounted.

**39-21-12. Obstructed Lights Not Required.)** Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

**39-21-13. Lamp or Flag on Projecting Load.)** Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the time specified in section 39-21-01, a red light or lantern plainly visible from a distance of at least six hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

**39-21-14. Lamps on Parked Vehicles.)** 1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand

feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: at least one lamp shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of one thousand feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. Local authorities may provide by ordinance that no lights need be displayed upon any such motor vehicle when parked upon a highway where the speed limit in effect does not exceed thirty miles per hour in accordance with local ordinances, where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway. The foregoing provisions shall not apply to a motor-driven cycle.

3. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

**39-21-15. Lamps on Farm Tractors, Farm Equipment and Implements of Husbandry.)** Every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry, when operated upon the highways of this state during the times mentioned in section 39-21-01, shall be equipped as follows:

1. Tractors and self-propelled units of farm equipment shall be equipped with two single-beam or multiple-beam head lamps meeting the requirements of section 39-21-20 or section 39-21-22, or as an alternative, section 39-21-24, provided, that a tractor or self-propelled unit of farm equipment which is not equipped with an electrical system shall be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than one thousand feet to the front of such vehicle. Every tractor and self-propelled unit of farm equipment shall be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet to the rear of such vehicle. In addition, every self-propelled unit of farm equipment shall be equipped with two red reflectors visible from all distances from six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

2. Every towed unit of farm equipment or implement of husbandry shall be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet to the rear or two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

In addition, if the extreme left projection of such towed unit of farm equipment or implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle, such unit or implement shall be equipped with at least one amber lamp or reflector mounted to indicate as nearly as practicable the extreme left projection and visible from all distances within six hundred feet to one hundred feet to the front thereof when illuminated by the upper beams of head lamps and at least one red lamp or reflector so mounted and visible from such distances to the rear.

The lamps and reflectors required by this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of said vehicle shall be indicated as nearly as is practicable.

**39-21-16. Lamps on Other Vehicles and Equipment.)** Every vehicle, including animal-drawn vehicles and vehicles referred to in subsection 3 of section 39-21-46, not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, shall at all times specified in section 39-21-01 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than five hundred feet to the rear of said vehicle, or two red reflectors visible for distances of one hundred feet to six hundred feet to the rear when illuminated by the upper beams of head lamps.

**39-21-17. Spot Lamps and Auxiliary Lamps.)** 1. Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

2. Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle

shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in subsection 2 of section 39-21-20.

3. Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 39-21-20 shall apply to any combination of head lamps and auxiliary passing lamps.

4. Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 39-21-20 shall apply to any combination of head lamps and auxiliary driving lamps.

**39-21-18. Audible and Visual Signals on Vehicles.)** 1. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle or bell capable of causing a minimum sound intensity level of eighty-five decibels, such siren or signal shall be mounted outside of the vehicle or in front of the radiator.

2. Every school bus, except passenger vehicles having a capacity of six persons or less and station wagons having a capacity of nine passengers or less, and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

3. A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

4. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in sections 39-10-26 and 39-10-46.

**39-21-19. Signal Lamps and Signal Devices.)** 1. Any motor vehicle may be equipped and when required under this chapter

shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.

2. Any motor vehicle may be equipped and when required under this chapter shall be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. Such lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. Any motor vehicle or combination of vehicles eighty inches or more in overall width, and manufactured or assembled after January, 1964 shall be equipped with the lamps required by this subsection mounted and spaced in the same manner but visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

3. No stop lamp or signal lamp shall project a glaring light.

**39-21-20. Multiple-Beam Road-Lighting Equipment.)** Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading.

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of

loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

**39-21-21. Use of Multiple-Beam Road-Lighting Equipment.)**

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 39-21-01, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection 2 of section 39-21-20 shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection 1 of section 39-21-20.

**39-21-22. Single-Beam Road-Lighting Equipment.)** Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after the effective date of this chapter in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

**39-21-23. Lighting Equipment on Motor-Driven Cycles.)** The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.

2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in subsection 1 of section 39-21-20 and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in subsection 2 of section 39-21-20.

3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

**39-21-24. Arrest for Improperly Adjusted Head Lamps or Improper Bulbs—Certificate of Conformance a Defense.)** The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps, or signal lamps who is arrested upon the charge that such lamps are adjusted improperly or are equipped with bulbs of a candlepower not approved for use therewith, shall be allowed forty-eight hours within which to bring such lamps into conformance with the requirements of this chapter. It shall be a defense to any such charge that the person arrested produces in court or submits to the state's attorney a certificate showing that within forty-eight hours after such arrest such lamps have been made to conform with the requirements of this chapter.

**39-21-25. Number of Driving Lamps Required or Permitted.)** 1. At all times specified in section 39-21-01 at least two lighted lamps shall be displayed, one on each side at the

front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

2. Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

**39-21-26. Special Restrictions on Lamps.)** 1. Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

2. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red or green light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.

3. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

**39-21-27. Special Lighting and Warning Equipment on School Buses.)** 1. The superintendent of public instruction in cooperation with the registrar is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and other vehicles transporting children to school for compensation, consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers.

2. It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus.

**39-21-27.1. School Bus Standards.)** Only motor vehicles which have been designed by the manufacturer for the pur-

pose of carrying passengers shall be used as school buses. The superintendent of public instruction may adopt reasonable regulations, consistent with the provisions of this chapter, relating to the construction, design, operation, equipment and color of school buses and shall prepare and publish standards for North Dakota school buses which shall set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways and elsewhere of any school bus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation.

Highway patrolmen and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

**39-21-28. Standards for Lights on Snow-Removal or Other Hazardous Equipment.)** 1. The highway commissioner shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal or other hazardous equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

2. It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

**39-21-29. Selling or Using Lamps or Equipment.)** 1. No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer, or use upon any such vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the registrar and approved by him. The foregoing provisions of this section shall not apply to equipment in actual use when this section is adopted or replacement parts therefor.

2. No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle,

trailer or semitrailer any lamp or device mentioned in this section which has been approved by the registrar unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

3. No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the registrar.

**39-21-30. Authority of Registrar with Reference to Lighting Devices.)** 1. The registrar may approve or disapprove lighting devices and issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such equipment.

2. The registrar shall approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

3. The registrar may set up the procedure which shall be followed when any device is submitted for approval.

4. The registrar upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.

**39-21-31. Revocation of Certificate of Approval on Lighting Devices.)** When the registrar has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, he may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the registrar shall determine whether said approved device meets the requirements of this chapter. If said device does not meet the requirements of this chapter he shall give notice to the person holding the certificate of approval for such device in this state.

If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the registrar that said approved device as thereafter to be sold meets the requirements of this chapter, the registrar shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said

devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The registrar may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the registrar may refuse to renew the certificate of approval of such device.

**39-21-32. Brake Equipment Required.)** 1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every farm tractor, motorcycle, and motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer or semitrailer when operated upon a highway at a speed in excess of fifteen miles per hour shall be equipped with safety chains or brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes shall be automatically applied.

4. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any up grade or down grade upon which it is operated.

**39-21-33. Maintenance of Brakes.)** All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

**39-21-34. Brakes on Motor-Driven Cycles.)** 1. The registrar may require an inspection of the brake on any motor-driven cycle and may disapprove any such brake which in his opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

**39-21-35. Hydraulic Brake Fluid.)** 1. The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

2. Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

3. The registrar shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the Society of Automotive Engineers applicable to such fluid.

4. No person shall distribute, have for sale, offer for sale, sell or service any vehicle with any hydraulic brake fluid unless it complies with the requirements of this section.

**39-21-36. Horns and Warning Devices.)** 1. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

2. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

3. Any commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

4. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the registrar, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

**39-21-37. Mufflers, Prevention of Noise.)** 1. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive

or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

2. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

**39-21-38. Mirrors.)** On and after January 1, 1964, every motor vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such motor vehicle.

**39-21-39. Windshields Must Be Unobstructed and Equipped with Wipers.)** 1. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

3. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

**39-21-40. Restrictions As To Tire Equipment.)** 1. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

2. No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

3. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

**39-21-41. Safety Glazing Material in Motor Vehicles.)** 1. No person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered unless such vehicle is equipped with safety glazing

material of a type approved by the registrar wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles.

2. The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

3. The registrar shall compile and publish a list of types of glazing material by name approved by him as meeting the requirements of this section and shall not register after January 1, 1964 any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section. The requirements of this section shall not apply to antique automobiles licensed under provision of section 39-04-43.

**39-21-42. Certain Vehicles To Carry Flares or Other Warning Devices.)** 1. No person shall operate any motor truck, passenger bus or truck tractor, or any motor vehicle towing a house trailer, upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in subsection 2:

- a. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the registrar and approved by him. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible

from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the registrar and approved by him.

- b. At least three red-burning fuses unless red electric lanterns or red portable emergency reflectors are carried.
- c. At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

2. No person shall operate at the time and under conditions stated in subsection 1 any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection 1, and there shall not be carried in any said vehicle any flares, fuses or signal produced by flame.

**39-21-43. Display of Warning Devices When Vehicle Disabled.)** 1. Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer, or any motor vehicle towing a house trailer, is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection 2:

- a. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
- b. As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:
  - (1) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane;
  - (2) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle;

- (3) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subdivision it may be used for this purpose.

2. Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hill crest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle.

3. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections 1 and 5 of this section shall be placed as follows:

- a. One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;
- b. One at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane;
- c. One at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

4. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

5. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection 1 of this section, the driver of such vehicle shall immediately display the following warning devices:

- a. One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle; and
- b. Two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle.

Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

6. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of section 39-21-44 applicable thereto.

**39-21-44. Vehicles Transporting Explosives.)** Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

1. Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.

2. Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

3. The registrar shall promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public.

**39-21-44.1. Vehicle To Be Constructed to Prevent Sifting or Leaking Loads.)** No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

**39-21-44.2. Drawbar or Connections Between Vehicles — Regulations and Precautions Required.)** The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other. Whenever such connection consists of a chain, rope, or cable, there shall be displayed thereon a red flag or other signal or cloth not less than twelve inches both in length and width.

**39-21-45. Air-Conditioning Equipment.)** 1. The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

2. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

3. The registrar may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.

4. No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

5. No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

**39-21-46. Scope and Effect of Regulations—Penalty.)** 1. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

2. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

3. The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

§ 20. **Repeal.** Chapter 39-11, section 39-10-10, subsection 1 of section 39-10-22, sections 39-10-66, and 39-12-10 of the North Dakota Century Code are hereby repealed.

Approved March 16, 1963.

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## CHAPTER 284

S. B. No. 130

(Robinson, Sinner, Mahoney, Kjos)

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### RURAL MAIL VEHICLE LIGHTING

#### AN ACT

To authorize the use of flashing amber lights upon rural mail delivery vehicles and to prescribe standards therefor.

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

§ 1. **Flashing Signals on Rural Mail Vehicles—Standards.** Notwithstanding any other provision of law, it shall be lawful for any vehicle regularly used as a rural mail delivery vehicle to display two simultaneously flashing amber lamps mounted on top of such vehicle while it is being used to deliver mail. Such light assembly shall consist of two lamps mounted on top of such vehicle with one lamp being as near as is practicable to each side of the vehicle, displaying an amber light not less than four inches in diameter and visible under normal atmospheric conditions for a distance of at least five hundred feet to the front and to the rear of such vehicle. The lamp assembly shall include a sign at least seven inches in height containing the words "U.S. MAIL" in black letters not less than four inches in height and of not less than three-quarters of an inch in width of stroke, upon a white background. Such sign shall be constructed so as to permit folding down out of the line of vision when not in use. The lamps shall be equipped with a device to cause them to flash on and off, and such lamps shall be so wired as to cause both lamps to flash simultaneously. The lights shall be electrically controlled so that the lights will only be actuated when the vehicle is brought to a stop for the purpose of discharging official duties, and shall not be in operation except during the actual performance of duty delivering mail.

Approved March 9, 1963.

## CHAPTER 285

S. B. No. 131

(Meidinger, Kjos, Sanford, Kee)

## MOTOR VEHICLE DEALER LICENSING

## AN ACT

To repeal section 39-04-28, section 39-04-30, section 39-04-31, section 39-04-32, section 39-04-33, section 39-04-34 and section 39-04-35 and for an Act to create a new chapter of the North Dakota Century Code to be entitled Motor Vehicle Dealers relating to definition of dealer; motor vehicle dealer's licenses, fees, additional number plates; motorcycle dealers license and fee; grounds for denial, suspension, cancellation or revocation of dealers license; dealers bond required; location of used car lots; penalty for dealer permitting license to be used by another dealer; dealers to furnish information to registrar and requirements of dealers to file list of used cars with registrar, fees paid on used cars by dealer, delinquency and penalty; powers of the registrar of motor vehicles; examination of dealers books and records by registrar; officers to administer provisions of chapter; and penalty for violation of provisions of chapter.

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

**§ 1. Dealer.)** In this chapter, unless the context or subject matter otherwise requires:

1. "Dealer" shall have the same meaning as defined in section 39-04-01.

**§ 2. Motor Vehicle Dealer's Licenses — Fees — Additional Number Plates.)** It shall be unlawful for any person, partnership or corporation to engage in the business of buying, selling or exchanging of motor vehicles, or to advertise or hold himself out to the public as engaging in the buying, selling or exchanging of motor vehicles, or to engage in the buying of motor vehicles for resale, unless he possesses a current new motor vehicle dealer's license or used motor vehicle dealer's license for which he shall pay the license fee of twenty-five dollars per year, and with which shall be issued one set of dealer's plates. A second set of dealer's number plates shall be issued to the dealer upon payment of an additional fee of twenty-five dollars. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of ten dollars per set. Such number plates may be used on any car owned by the dealer. In addition to the dealer's license plates, the registrar of motor vehicles may issue to any dealer holding a regular dealer's license plate, an in transit license plate for a fee of two dollars per plate. Such plates may be used on vehicles in lieu of dealer's plates while a motor vehicle is in transit from its

place of manufacture or any other place, to the dealer. Special utility plates may be issued by the registrar to any dealer, for a fee of two dollars, which special utility plate shall be used only on a vehicle while it is being used by the dealership to which the plate is issued within a radius of twenty-five miles of the licensee's place of business.

No application shall be granted nor a license issued to anyone until or unless the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has, does, and will continue to maintain, in the case of a used motor vehicle dealer's license, an established place of business, and has facilities and equipment for the maintenance, servicing and repair of motor vehicles. An established central place of business, when used in this sense, means a permanent or enclosed building or structure either owned in fee or leased with a stated periodic rental, at which a permanent business of bartering, trading and selling of motor vehicles, the repair, maintenance, and servicing of motor vehicles and the storage of parts and accessories therefor, will be carried on as such in good faith and not for the purpose of evading this section, and at which place of business shall be kept and maintained the books, records, and files, necessary to conduct the business at such place, and shall not mean a residence, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. Said central place of business may consist of several buildings, or structures, but no building or structure constituting a part of said central place of business shall be located at a distance greater than one thousand feet from any other buildings or structures of said central place of business. If the license is granted hereunder, the licensee shall be permitted to use unimproved lots and premises for sales, storage, or display of motor vehicles.

Every dealer must have repair and service facilities and he must maintain a service and repair shop with a minimum investment of at least one thousand dollars in tools and shop equipment, as appraised by a representative of the registrar of motor vehicles.

In the case of an application for a new motor vehicle dealer's license, the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has, does, and will continue to maintain all of the facilities described above applicable to a used motor vehicle dealer's license and in addition thereto, shall furnish proof satisfactory to the registrar of the fact that the applicant has a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle or motor vehicles in which he proposes

to deal. A new motor vehicle dealer's license shall entitle the holder to deal in both new and used motor vehicles. A used motor vehicle dealer's license shall entitle the holder to deal in used motor vehicles only.

If the licensee desires to remove from the central 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 with the requirements hereinbefore set forth.

**§ 3. Motorcycle Dealer's Licenses — Fees.)** A motorcycle dealer shall pay a license fee of five dollars for each set of motorcycle license 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 registrar for such purposes.

**§ 4. Grounds for Denial, Suspension, Cancellation or Revocation of Dealer's License.)** The registrar of motor vehicles may deny an application for a dealer's license or suspend, revoke or cancel such a license after it has been granted for the following reasons:

1. For any material misstatement by an applicant in the application for the license.
2. For any willful failure to comply with the provisions of this chapter or with any rule or regulation promulgated by the registrar of motor vehicles.
3. For knowingly permitting any salesman to sell or exchange, or offer or attempt to sell or exchange any motor vehicle except for the licensed motor vehicle dealer by whom he is employed, or to offer, transfer or assign any sale or exchange that he may have negotiated to any other dealer.
4. For having violated any law relating to the sale, distribution or financing of motor vehicles.
5. For having ceased to have an established place of business as herein defined.

Such cancellation and revocation shall be done in the manner and according to the procedure described in chapter 28-32.

**§ 5. Bond Required.)** Before the issuance of a motor vehicle dealer's license, as provided by law, the applicant for such a license shall furnish a surety bond executed by the applicant as principal and executed by a surety company,

licensed and qualified to do business within the state of North Dakota, which bond shall run to the state of North Dakota, be in the amount of ten thousand dollars and be conditioned upon the faithful compliance by said applicant as a dealer, if the license be issued to it or him, that such dealer will comply with all of the statutes of the state of North Dakota, including this chapter, regulating or being applicable to the business of said dealer as a dealer in motor vehicles, and indemnifying any person dealing or transacting business with said dealer in connection with any motor vehicle from any loss or damage occasioned by the failure of such dealer to comply with any of the provisions of title 39, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in any such transaction, and that such bond shall be filed with the registrar of motor vehicles prior to the issuance of license provided by law. The aggregate liability of the surety of all persons, however, shall in no event exceed the amount of said bond.

**§ 6. Used Car Lots — Location.)** A registered dealer as described in this chapter may establish open used car lots as may be necessary in the conduct of his business in an area not further removed than three miles from the city limits of the town in which he operates a licensed place of business.

**§ 7. Dealer Permitting License To Be Used by Another Dealer—License Revoked—Penalty.)** Any dealer who permits any other dealer to use his dealer's license, or permits the use of such license for the benefit of any other dealer, shall have his dealer's license revoked and shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars.

**§ 8. Dealers to Furnish Information to Registrar.)** All dealers engaged in the sale of motor vehicles in this state shall furnish the registrar with such information as to models, specifications, selling prices, and such other data requested by the registrar as may be necessary in carrying out the provisions of this chapter.

**§ 9. Dealer to File List of Used Motor Vehicles with Registrar — Fees Paid on Used Cars by Dealer — Delinquency — Penalty.)**

1. On or before February fifth of each year, a licensed dealer shall file with the registrar a list and a description of all used motor vehicles on hand on February first of each year. Such used cars need not be licensed until July first unless they are sold before that date. Each used motor vehicle on hand must be licensed at the full annual fee before July second; if not licensed

before July second, such license fee shall become delinquent on July second and a penalty of ten cents a day shall be added to such license fee for each and every day not exceeding fifteen days that such license fee shall be delinquent and a penalty of two dollars shall be added for every additional thirty days or fraction thereof not exceeding one hundred fifty days that such license fee shall be delinquent.

2. Any used motor vehicle taken in by a dealer after February first of any year, which carries the current year's number plates of another state, if sold within the state, shall be required to pay a registration fee for the remainder of the calendar year prorated on a monthly basis with one-twelfth of the annual registration fee to be paid for each calendar month or fraction thereof of the remaining part of the year; penny adjustments shall be carried to the next quarter dollar.

**§ 10. Powers of the Registrar of Motor Vehicles.)** In addition to other powers provided by law, the registrar of motor vehicles shall have the following powers and duties which shall be exercised in conformity with this chapter:

1. To cancel, revoke or suspend a dealer's license as provided for in section 39-21-04.
2. To prescribe rules and regulations not inconsistent with this chapter governing the application for dealer's licenses and the cancellation or suspension or revocation of dealer's licenses.
3. To employ and pay such persons as he may deem necessary to inspect dealers in this state, investigate dealers for the information of the registrar of motor vehicles, to procure evidence in connection with any prosecution or other action to suspend, revoke or cancel a dealer's license in relation to any matter in which the registrar of motor vehicles has any duty to perform.

**§ 11. The Examination of Books and Records.)** The registrar of motor vehicles or his duly authorized representative may inspect the pertinent books, letters, records and contracts of any licensed motor vehicle dealer relating to any specific complaint made against such dealer and held to be in violation of any of the provisions of title 39.

**§ 12. Officers to Administer the Provisions of Chapter.)** The registrar of motor vehicles and his appointee shall be responsible for the administration of the provisions of this chapter.

**§ 13. Penalty for Violation of Provisions of Chapter.)** Any person violating any of the provisions of this chapter for which

another penalty is not specifically provided is guilty of a misdemeanor and for the first offense shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. For a second and subsequent offense, such person 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.

**§ 14. Repeal.)** Sections 39-04-28, 39-04-30, 39-04-31, 39-04-32, 39-04-33, 39-04-34 and 39-04-35 of the North Dakota Century Code are hereby repealed.

Approved March 16, 1963.