

MOTOR VEHICLES

CHAPTER 333

H.B. No. 187
(Hensrud, Boustead)

DEFINITION OF HOUSE CAR

AN ACT

To amend and reenact subsection 21.1 of section 39-01-01 of the North Dakota Century Code, relating to the definition of a house car.

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

Section 1. Amendment.) Subsection 21.1 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21.1 "House car" shall mean a motor vehicle which has been reconstructed or manufactured for private use as sleeping or living quarters.

Approved March 14, 1969.

CHAPTER 334

S. B. No. 226
(Longmire)

POLITICAL SUBDIVISIONS AUTHORIZED TO CARRY
INSURANCE ON VEHICLES AND AIRCRAFT

AN ACT

To amend and reenact subsection 1 of section 39-01-08 of the North Dakota Century Code, relating to authority of state, and political subdivisions to carry insurance on vehicles and aircraft.

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

Section 1. Amendment.) Subsection 1 of section 39-01-08 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The state of North Dakota or any department, agency, or bureau, as well as any county, city, or other political subdivision including townships, school and park districts using or operating motor vehicles and aircraft, are hereby authorized to carry insurance for their own protection and for the protection of any employees from claims for loss or damage arising out of or by reason of the use or operation of such motor vehicle or aircraft, whether such vehicle or aircraft at the time the loss or damage in question occurred was being operated in a governmental undertaking or otherwise. If a premium savings will result therefrom, such policies of insurance may be taken out for more than one year, but in no event beyond a period of five years.

Approved March 14, 1969.

H. B. No. 516
(Committee on Delayed Bills)

REGISTRATION OF RECONSTRUCTED VEHICLES

AN ACT

To amend and reenact subsection 4 of section 39-04-01 of the North Dakota Century Code, relating to exclusion of penalties and nonuse fees for late registration of reconstructed vehicles.

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

Section 1. Amendment.) Subsection 4 of section 39-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Reconstructed vehicle" shall mean any 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. A reconstructed vehicle may be registered upon the payment of the same fees for the calendar year that are paid for a motor vehicle of comparable make and year as the reconstructed vehicle, excluding penalties as provided in section 39-04-16 and nonuse fees as provided in section 39-04-18;

Approved March 29, 1969.

H. B. No. 463
(R. Peterson, Weber, Metzger, Aafedt, Belter)

**MOTOR VEHICLE REGISTRATION AND
FEES**

AN ACT

To provide for a change of renewal and effective dates for motor vehicle registration; to create and enact section 39-04-14.1 of the North Dakota Century Code; and to amend and reenact sections 39-04-14 and 39-04-15 of the North Dakota Century Code, relating to the date for renewal and effective dates of motor vehicle registration.

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

Section 1. Motor Vehicle Registration and Fees—Extended Period.) Notwithstanding the provisions of section 39-04-19, passenger motor vehicles required to be registered in this state during the period beginning January 1, 1970, through March 31, 1971, inclusive, shall be furnished license plates upon the payment of 1.25 times the annual fees that would otherwise be assessed against such vehicles pursuant to chapter 39-04.

Section 2. Amendment.) Section 39-04-14 of the 1967 Supplement to 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 sections 39-04-14.1 and 39-04-15.1, under this chapter shall expire on 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.

Section 3.) Section 39-04-14.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-04-14.1. Renewal of Passenger Motor Vehicle Registration.) Every passenger motor vehicle registration under this chapter shall expire March 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 April each year. An owner who has made proper application for renewal of registration of a passenger motor vehicle previous to April 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.

Section 4. Amendment.) Section 39-04-15 of the 1967 Supplement to 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 January second and December thirty-first shall become delinquent upon the expiration of ten days after the same becomes due, except that the registration fee for a passenger 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 April 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 April first, and shall be delinquent after May first unless paid. Except as otherwise provided in the chapter, license fees falling due between April second and March thirty-first shall become delinquent upon the expiration of ten days after the same becomes due.

Approved March 25, 1969.

CHAPTER 337

H.B. No. 186
(Hensrud, Boustead)

VEHICLES EXEMPT FROM REGISTRATION

AN ACT

To amend and reenact subdivisions a and c of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles.

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

Section 1. Amendment.) Subdivisions a and c of subsection 2 of section 39-04-18 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

- a. Farm tractors as defined in subsection 17 of section 39-01-01 and road rollers and other road construction or maintenance machinery that cannot be operated on the highways and streets of this state in a normal operating manner.
- c. Motor vehicles registered in any other state or territory when coming into this state a distance not exceeding twenty miles, provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state for any purpose and are not gainfully employed or stationed in this state. Nor shall such vehicles be required to pay any other tax, and no registration fee or tax shall be required when such vehicles do not leave the incorporated limits of any city while in the state of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city or contiguous cities and twenty miles distant therefrom. Nothing contained in this section shall be construed as preventing trucks from coming into the state such distance as shall be necessary to reach the nearest railway shipping station.

Approved March 14, 1969.

CHAPTER 338

H.B. No. 185
(Hensrud, Boustead)

REGISTRATION OF FARM VEHICLES

AN ACT

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

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

Section 1. Amendment.) Subsection 5 of section 39-04-19 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Trucks or combinations of trucks and trailers weighing from 24,001 to 73,280 pounds which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from 24,001 to 73,280 pounds owned and operated by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property between farms and the usual local trading places and not for hire.

| Gross Weights | 1st, 2nd and 3rd Years | 4th and 5th Years | 6th and 7th Years | 8th and Subsequent Years |
|---------------|------------------------|-------------------|-------------------|--------------------------|
| 0-4,000 | 18.00 | 14.50 | 10.75 | 10.00 |
| 4,001-6,000 | 23.25 | 18.50 | 14.00 | 10.00 |
| 6,001-8,000 | 28.50 | 22.75 | 17.00 | 10.00 |
| 8,001-10,000 | 33.75 | 27.00 | 20.25 | 11.75 |
| 10,001-12,000 | 39.00 | 31.25 | 23.50 | 13.75 |
| 12,001-14,000 | 44.25 | 35.50 | 26.50 | 15.50 |
| 14,001-16,000 | 49.50 | 39.50 | 29.75 | 17.25 |
| 16,001-18,000 | 54.75 | 43.75 | 32.75 | 19.25 |
| 18,001-20,000 | 60.00 | 48.00 | 36.00 | 21.00 |
| 20,001-22,000 | 65.25 | 52.25 | 39.25 | 22.75 |
| 22,001-24,000 | 70.50 | 56.50 | 42.25 | 24.75 |
| 24,001-26,000 | 75.50 | 60.50 | 45.25 | 26.75 |
| 26,001-28,000 | 85.50 | 68.50 | 51.25 | 30.75 |

| Gross Weights | 1st, 2nd and 3rd Years | 4th and 5th Years | 6th and 7th Years | 8th and Subsequent Years |
|---------------|-----------------------------|----------------------------------|---------------------------|--------------------------|
| 28,001-30,000 | 95.50 | 76.50 | 57.25 | 34.75 |
| 30,001-32,000 | 105.50 | 84.50 | 63.25 | 38.75 |
| 32,001-34,000 | 115.50 | 92.50 | 69.25 | 42.75 |
| 34,001-36,000 | 125.50 | 100.50 | 75.25 | 46.75 |
| 36,001-38,000 | 135.50 | 108.50 | 81.25 | 50.75 |
| 38,001-40,000 | 145.50 | 116.50 | 87.25 | 54.75 |
| 40,001-42,000 | 155.50 | 124.50 | 93.25 | 58.75 |
| 42,001-44,000 | 165.50 | 132.50 | 99.25 | 62.75 |
| 44,001-46,000 | 175.50 | 140.50 | 105.25 | 66.75 |
| 46,001-48,000 | 185.50 | 148.50 | 111.25 | 70.75 |
| 48,001-50,000 | 195.50 | 156.50 | 117.25 | 74.75 |
| 50,001-52,000 | 205.50 | 164.50 | 123.25 | 78.75 |
| 52,001-54,000 | 215.50 | 172.50 | 129.25 | 82.75 |
| 54,001-56,000 | 225.50 | 180.50 | 135.25 | 86.75 |
| 56,001-58,000 | 235.50 | 188.50 | 141.25 | 90.75 |
| Gross Weights | 1st, 2nd, 3rd and 4th Years | 5th, 6th, 7th, 8th and 9th Years | 10th and Subsequent Years | |
| 58,001-60,000 | 750.00 | 600.00 | 525.00 | |
| 60,001-62,000 | 785.00 | 628.00 | 549.50 | |
| 62,001-64,000 | 820.00 | 656.00 | 574.00 | |
| 64,001-66,000 | 855.00 | 684.00 | 598.50 | |
| 66,001-68,000 | 890.00 | 712.00 | 623.00 | |
| 68,001-70,000 | 925.00 | 740.00 | 647.50 | |
| 70,001-72,000 | 960.00 | 768.00 | 672.00 | |
| 72,001-73,280 | 995.00 | 796.00 | 696.50 | |

Approved March 25, 1969.

CHAPTER 339

H. B. No. 261
(Atkinson, Jenkins)

MOTOR VEHICLE CERTIFICATES OF TITLE

AN ACT

To amend and reenact sections 39-05-09 and 39-05-17 of the North Dakota Century Code, relating to the transfer and contents of motor vehicle certificates of title.

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

Section 1. Amendment.) Section 39-05-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-09. Issuance, Contents, Delivery, and Term of Certificate.) After checking the application for a certificate as provided in section 39-05-09, the department, if it is satisfied that the applicant is the person entitled to the possession of the vehicle, shall issue in the name of the owner a certificate of title bearing a serial number, the signature of the registrar, and the seal of his office. Such certificate shall set forth further the date issued, a description of the vehicle as determined by the department, a statement of the owner's title and of all liens or encumbrances upon the vehicle therein described and whether possession is held by the legal owner. Upon the reverse side of such certificate shall be contained forms for the assignment of title or interest and warranty thereof by the owner with a space for the notation of liens and encumbrances upon such vehicle at the time of a transfer. The amount of any lien or encumbrance upon the vehicle need not be shown anywhere on the certificate of title, only the fact of such lien or encumbrance, and the identity of the lienholder or encumbrancer. The department shall deliver the certificate of title to the owner. Said certificate shall be good for the life of the vehicle as long as the vehicle is owned or held by the original holder of such certificate.

Section 2. Amendment.) Section 39-05-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-17. Transfer of Title of Vehicle—Endorsement Required—Certificate of Title Delivered—New Certificate Obtained—Penalty.) The owner of a motor vehicle who sells or transfers his title to such vehicle shall endorse an assignment and warranty of title upon the certificate of title for such vehicle, with a statement as to whether there are liens or encumbrances thereon, which statement shall be verified under oath by the owner. The owner shall deliver the certificate of title to the purchaser if title passes to the purchaser. If the legal title does not pass to the purchaser under the terms of the contract for sale of the vehicle, the legal title owner shall endorse thereon a statement that he holds the lien, the date thereof and the name of the purchaser, and shall send the certificate of title to the motor vehicle registrar with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the date of the lien of the legal owner, which certificate of title when issued shall be returned by the motor vehicle registrar to the legal title owner, who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to the department, accompanied by a transfer fee of one dollar, and shall make an application for and obtain a new certificate of title for such vehicle. A violation of the provisions of this section shall constitute a misdemeanor.

Approved March 18, 1969.

CHAPTER 340

H. B. No. 393

(Boustead, Aafedt, Hickle, Hentges)

DRIVER LICENSING

AN ACT

To amend and reenact subsection 9 of section 39-06-03, sections 39-06-14, 39-06-16, 39-06-17, 39-06-30, subsections 3 and 7 of section 39-06-32, sections 39-06-33 and 39-06-43 of the North Dakota Century Code, relating to what persons shall not be licensed, classified driver's license, exhibiting license, minimum age for driver's license, meaning of conviction, defining an habitually reckless or negligent driver, the form and effect of notice of suspension, and the period of time for extending suspension or revocation of driving privileges, and to create and enact a new section 39-06-40.1 of the North Dakota Century Code, relating to a prohibition against reproducing a driver's license, and to provide a penalty.

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

Section 1. Amendment.) Subsection 9 of section 39-06-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. To any person who has been convicted four times of a misdemeanor, violation or offense on the highways, roads or streets involving the movements of a vehicle within the preceding two-year period. No conviction for speeding shall be considered when the offense was less than ten miles per hour over the limit.

Section 2. Amendment.) Section 39-06-14 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-14. Licenses Issued to Operators—General—Classified Driver's License.)

1. The commissioner, shall, upon payment of a three dollar-fee, issue to every applicant qualifying therefor an operator's license as applied for in the form prescribed by the commissioner, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief des-

cription of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. For purposes of verification, an officer may require the licensee to write his signature in the presence of such officer.

2. Whenever the commissioner issues a license to a person under the age of eighteen years, such license shall be designated and clearly marked as a "provisional" license. Upon renewal as applicable to operator licenses, the commissioner may for reasonable cause as shown by its records, designate the renewal of the license as provisional. Otherwise a license in usual form shall be issued subject to other provisions of this chapter. Provisional licenses shall be subject to suspension by the commissioner without preliminary hearing upon a showing by the records or other sufficient evidence that the licensee has violated the provisions of this chapter or any other law of this state or municipal ordinance adopted by local authorities regulating the operation of motor vehicles on the highway.
3. All applicants holding a valid North Dakota driver's license making application for a renewal of such license, shall be issued a class 3 license without being subjected to an examination as herein provided. All applicants, except those holding a valid North Dakota driver's license who will be issued a class 3 license, applying for issuance of driver licenses shall be issued a classified license after having been required to submit to an examination in the type of motor vehicle or combination of vehicles for which license is desired and which license shall authorize the holder to drive the vehicles set forth in such class as follows:

Class 1. Any vehicles or combination of vehicles except vehicles under class four.

Class 2. Any vehicle or combination of vehicles except:

- (a) Vehicles towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- (b) Vehicles under class four.

Class 3. Any two-axle or tandem-axle vehicle except:

- (a) A truck tractor combination as defined in subsection 70 of section 39-01-01;
- (b) A bus more than 80 inches in width and designed to carry more than ten persons and used for carrying passengers;
- (c) A two-axle or tandem-axle vehicle or combination of vehicles when towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds; and
- (d) Vehicles under class 4.

Provided, however, an operator with a class 3 license may operate a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds.

Class 4. Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and/or passengers ride within an enclosed cab.

Provided, however, that before one can be examined and licensed to operate any vehicle falling under class 4, he must first be licensed to operate a motor vehicle under either class 1, 2, or 3. Upon passing an examination to operate a vehicle under class 4, the commissioner or his

duly authorized agent shall certify the class 1, 2, or 3 license of the successful examinee, whichever the case may be, by stamping or otherwise indicating on the license an authorization to operate vehicles falling under class 4.

4. The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications, for those persons licensed to operate and who have had experience operating motor vehicles in such classes, when such certificate is issued by an employer of the applicant and the applicant has first met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.
5. Any holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to him shall be deemed to be driving a motor vehicle without being duly licensed by this chapter. The holder of a classified license who desires to obtain a different class license in one of the classes provided by this chapter must exchange or renew such license. The commissioner may impose such rules and regulations as he may deem necessary with respect to such renewals or exchanges for the proper administration of this chapter. No class 1 or 2 license shall be issued to any person under eighteen years of age.
6. If any holder of a license issued pursuant to this chapter suffers permanent loss of use of a hand, arm, foot, leg, or eye, he shall, before operating any motor vehicle or motor cycle, make a report thereof to the commissioner who shall take such reasonable action as may be proper under the provisions of this chapter as to re-examination to determine if the licensee is capable of operating vehicles for which the individual is licensed.

Section 3. Amendment.) Section 39-06-16 of the 1967 Supplement to the North Dakota Century Code is hereby amended

and reenacted to read as follows:

39-06-16. License To Be Carried and Exhibited On Demand.) Every licensee shall have his operator's license or permit in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any court, municipal court, a county justice, a patrolman, peace officer, or a field deputy or inspector of the highway department. However, no person charged with violating this section shall be convicted or assessed any court costs if he produces in court, to the chief of police or in the office of the arresting officer an operator's license or permit theretofore issued to him and valid and not under suspension, revocation or cancellation at the time of his arrest.

Section 4. Amendment.) Section 39-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-17. Restricted Licenses.) 1. The commissioner upon issuing an operator's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

2. The commissioner may either issue a special restricted license or may set forth such restrictions upon the usual license form. The commissioner shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.

3. A restricted operator's license may be issued to any child, otherwise qualified, upon the written recommendation of his parent or guardian. No such license shall be issued unless the child, accompanied by his parent or guardian, shall appear in person and satisfy the examining officer that:

- (a) The child is at least fourteen years of age;
- (b) The child is qualified to operate an automobile safely;

- (c) It is necessary for the child to drive his parent's or guardian's automobile without being accompanied by an adult; and
- (d) The child has completed at least six hours of behind-the-wheel instruction by an instructor acceptable to the commissioner; and, the parent or guardian, at all times, shall be responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this section shall not authorize the child to drive a motorcycle, commercial truck, motor bus, or taxicab.

4. The commissioner may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

5. It is a misdemeanor, punishable by a fine of not more than one hundred dollars and by imprisonment for not more than thirty days or by both such fine and imprisonment, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Section 5. Amendment.) Section 39-06-30 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-30. Conviction—Meaning and Effect.) For purposes of title 39 of the North Dakota Century Code the term "conviction" shall mean a final order or judgment of conviction by a trial court having jurisdiction. Also, for the purposes of this chapter a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Section 6. Amendment.) Subsections 3 and 7 of section 39-06-32 of the 1967 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

- 3. Is an habitually reckless or negligent driver of a motor

vehicle; conviction of three misdemeanors, violation or offense on the highways, roads or streets against traffic regulations governing the movement of vehicles within a period of twelve months shall be deemed to be habitually reckless or negligent; provided said violations or offenses do not arise out of the same accident or occurrence; or a conviction for speeding when the offense was less than ten miles per hour over the limit.

7. Has been convicted four times of a misdemeanor, violation or offense on the highways, roads or streets, involving the movement of a vehicle within the preceding two-year period; provided said violations or offenses do not arise out of the same accident or occurrence or a conviction for speeding when the offense was less than ten miles per hour over the limit.

Section 7. Amendment.) Section 39-06-33 of the 1967 Supplement to 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 and/or driving privilege 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. In the case of suspensions under the authority of subsection 6 of section 39-06-32 of the North Dakota Century Code, the operator shall first be given notice of intention to suspend and shall have ten days from the date of receipt of such notice to request a hearing upon the proposed order of suspension. Pending such hearing, which shall be conducted in the same manner as other hearings, provided for in this section, the suspension of the license of the operator demanding the hearing shall be held in abeyance.

Section 8. Amendment.) Section 39-06-43 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-43. Extension of License Suspension or Revocation.) The commissioner upon receiving a record of the conviction of any person upon a charge of driving a vehicle while the license or driving privileges of such person was suspended shall extend the period of such suspension for an additional like period and if the original suspension was for an indefinite or unstated period of time, the additional suspension shall be for a period of six months on and after such person would otherwise have been entitled to the return of license or privileges. If the conviction was upon a charge of driving while a license or driving privileges was revoked the commissioner shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Section 9.) Section 39-06-40.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-06-40.1. Reproducing Operator's or Driver's License or Permit.) 1. It shall be unlawful for any person to print, photograph, photostat, duplicate or in any way reproduce any operator's or driver's license or permit or facsimile thereof in such a manner that it would be mistaken for a valid license, or to display or have in his possession any such printed, photograph, photostat, duplicate, reproduction or facsimile unless authorized by the provisions of the North Dakota law.

2. It shall also be unlawful for any person to alter in any manner any operator's or driver's license or permit or to display or have in his possession any altered operator's or driver's license or permit.

3. Every person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not less than ten days nor more than six months and there shall be imposed in addition thereto a fine of not less than one hundred dollars nor more than five hundred dollars. The minimum penalty provided in this section shall be mandatory notwithstanding any other provisions of law.

4. The commissioner upon receiving a record of the conviction or other satisfactory evidence of the violation of this section shall revoke forthwith the operator's or driver's license or driving privileges or such person for not less than one year.

Approved March 29, 1969.

CHAPTER 341

S. B. No. 78
(Longmire)

RENEWAL OF DRIVERS' LICENSES

AN ACT

To amend and reenact section 39-06-19 of the North Dakota Century Code, providing an exception to the requirement for examination of persons applying for renewal of operators' licenses one year or more after expiration of such licenses.

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

Section 1. Amendment.) Section 39-06-19 of the 1967 Supplement to 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 birth date anniversary of the applicant. The commissioner may require an examination of an applicant as upon an original applica-

tion. Every application for renewal of a license by an applicant under the age of twenty-one or over the age of seventy shall be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. An application for a motor vehicle operator's license from an applicant applying for first license under the age of twenty-one may be accompanied by a certificate of examination from a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant, in lieu of the eye examination conducted by the driver licensing authorities. No certificate of examination shall be dated more than six months prior to the date of the driver license application. Every person submitting application and fee for renewal of license one year or more after expiration of license, except an applicant whose military, or merchant marine service, as defined in section 16-18-01, has terminated less than sixty days prior to such application, 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.

Approved March 29, 1969.

CHAPTER 342

H. B. No. 318
(Burke)

PENALTY FOR DRIVING WHILE INTOXICATED

AN ACT

To amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to second or subsequent convictions for driving while under the influence of intoxicating liquor.

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

Section 1. Amendment.) Subsection 2 of section 39-08-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Upon a first conviction or a subsequent conviction not within an eighteen-month period, any person violating any provision of this section shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment. Upon a second or subsequent conviction within an eighteen-month period, such person shall be punished by imprisonment in the county jail for not less than three days nor more than ninety days, and in the discretion of the court, a fine of not less than one hundred fifty dollars nor more than five hundred dollars. In the event the complaint does not include the allegation that if convicted, such conviction would be the second such conviction of the person within an eighteen-month period as provided in this section, the court may take judicial notice of such fact if indicated by the records of the state highway department or make such finding based on other evidence. Under no circumstances shall the punishment prescribed in this section be subject to suspension or a deferred imposition of sentence.

Approved March 25, 1969.

CHAPTER 343

H. B. No. 222

(Boustead, Boyum, Kuehn, Berg)

PERMITTING RIGHT TURN AT
RED LIGHT AFTER STOP

AN ACT

To amend and reenact subsection 3 of section 39-10-05 of the North Dakota Century Code, relating to traffic control signal legend to permit right turns on red under certain circumstances and to amend and reenact subsection 45 of section 24-01-01.1, subsection 64 of section 39-01-01, and section 24-01-15 of the North Dakota Century Code, relating to the definition and designation of through highways.

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

Section 1. Amendment.) Subsection 3 of section 39-10-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Red alone or "Stop":
 - a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection 3b;
 - b. When a sign is in place permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by such sign after stopping as required by subsection 3a. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;
 - c. Unless otherwise directed by a pedestrian-control signal as provided in section 39-10-06, pedestrians facing a steady red signal alone shall not enter the

roadway.

Section 2. Amendment.) Subsection 45 of section 24-01-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

45. "Through street or through highway" shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highways and in obedience to either a stop sign or yield sign, when such signs are erected by law.

Section 3. Amendment.) Subsection 64 of section 39-01-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

64. "Through highway" shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway and in obedience to either a stop sign or yield sign, when such signs are erected by law;

Section 4. Amendment.) Section 24-01-15 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-15. Commissioner to Designate Through Highways.) The highway commissioner with reference to highways under his jurisdiction, may designate as through highways any state highway or part thereof and erect stop signs or yield signs at specified entrances thereto where vehicles are not otherwise required by law to stop or yield right-of-way.

Approved March 13, 1969.

S. B. No. 101
(Longmire)

INTERSECTION RIGHT-OF-WAY

AN ACT

To amend and reenact section 39-10-22 of the North Dakota Century Code, relating to vehicles approaching or entering an intersection.

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

Section 1. Amendment.) Section 39-10-22 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-22. Vehicle Approaching or Entering Intersection.)

1. When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right;
2. The right-of-way rule declared in this section is modified at through highways and otherwise as hereinafter stated in this chapter.

Approved March 8, 1969.

H. B. No. 498
(Dahl, Hoffner, Kelsch, Kuehn, Linderman)

**MOVING HEAVY EQUIPMENT AT
RAILROAD CROSSINGS**

AN ACT

To create and enact section 39-10-66 of the North Dakota Century Code, relating to the Uniform Motor Vehicle Code concerning the movement of heavy equipment at railroad grade crossings.

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

Section 1.) Section 39-10-66 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-10-66. Moving Heavy Equipment at Railroad Grade Crossings.)

1. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
2. Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty 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, and shall not proceed until the crossing can be made safely.
3. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train

or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Approved March 15, 1969.

CHAPTER 346

H. B. No. 218
(Halcrow, Connolly)

PASSENGER BUS AND OTHER VEHICLE WIDTH

AN ACT

To amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to the width of vehicles and authorizing passenger buses of a width not exceeding one hundred two inches to be operated on highways designated by the commissioner.

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

Section 1. Amendment.) Subsection 1 of section 39-12-04 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- *1. A total outside width, including load thereon, of eight feet. Passenger buses exceeding eight feet, but not exceeding one hundred two inches in width may be operated only on and over those highways in the state designated by the highway commissioner. This limitation shall not apply to construction and building-moving contractors' equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, which moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset; nor shall such limitation apply to farmers or ranchers or employees under their supervision when moving hay in the stack for his or their own use or in cooperation with other owners, providing that equipment used for this purpose shall be operated along the extreme right edge of the road or highway,

and shall be operated only between the hours of sunrise and sunset and in accordance with reasonable rules and regulations prescribed by the state highway commissioner; nor shall such limitation apply to a commercial haystack mover who shall have first obtained a seasonal haystack-moving permit from the state highway commissioner. Provided, however, that any commercial haystack mover possessing a valid permit may also haul bales under the authority of the permit issued authorizing the hauling of haystacks. The fee for such permit shall be fifteen dollars which shall be in lieu of registration requirements while such vehicle is used for haystack moving only. Applicant shall have filed proof of liability insurance coverage in an amount not less than fifty thousand dollars and shall provide a red flag both to the front and to the rear of such haystack at all times when located upon any public highway and shall operate only between the hours of sunrise and sunset and in accordance with such additional reasonable rules and regulations as may be prescribed by the state highway commissioner.

Approved March 26, 1969.

***Note:** Section 1 of chapter 347, 1969 S.L., also amends subsection 1 of section 39-12-04, 1969 S.L.

H. B. No. 469

(Link, Goodman, Connolly, W. Erickson, Opedahl)

MARKING OF OVERWIDTH VEHICLES

AN ACT

To amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to marking of overwidth vehicles for visibility while they are operated on the highway.

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

Section 1. Amendment.) Subsection 1 of section 39-12-04 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- *1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to construction and building-moving contractors' equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, which moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset; nor shall such limitation apply to farmers or ranchers or employees under their supervision when moving hay in the stack for his or their own use or in cooperation with other owners, providing that equipment used for this purpose shall be operated along the extreme right edge of the road or highway, and shall be operated only between the hours of sunrise and sunset and in accordance with reasonable rules and regulations prescribed by the state highway commissioner; nor shall such limitation apply to a commercial haystack mover who shall have first obtained a seasonal haystack moving permit from the state highway commissioner. Provided, however, that any commercial haystack mover possessing a valid permit may also haul bales under the authority of the permit issued authorizing the hauling of haystacks. The fee for such permit shall be fifteen dollars which shall be in lieu of registration requirements while such vehicle is used for haystack moving

only. Applicant shall have filed proof of liability insurance coverage in an amount not less than fifty thousand dollars and shall operate only between the hours of sunrise and sunset and in accordance with such additional reasonable rules and regulations as may be prescribed by the state highway commissioner. All vehicles, including their load, exempted from the width limitations provided by this subsection, when operating on a public highway, shall be preceded and followed by a flagman, or shall have mounted a sign or device on a pole or rod of such type and such height as approved by the state highway commissioner, indicating the presence of an overwidth, slow-moving vehicle.

Approved March 26, 1969.

*Note: Section 1 of chapter 346, 1969 S.L., also amends subsection 1 of section 39-12-04, 1969 S.L.

CHAPTER 348

S. B. No. 291
(Coughlin, Nasset)

**VEHICLE WIDTH, HEIGHT, AND
LENGTH LIMITATIONS**

AN ACT

To amend and reenact subsection 7 of section 39-12-04 of the 1967 Supplement to the North Dakota Century Code, relating to width, height, and length limitations on vehicles—exceptions.

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

Section 1. Amendment.) Subsection 7 of section 39-12-04 of the 1967 Supplement of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. A combination of vehicles consisting of truck-tractor, semitrailer and trailer, stinger steered motor truck-trailer or semitrailer designed to transport motor vehicles including the load thereon, exceeding sixty feet in length but not exceeding sixty-five feet in length may be operated only on and over those highways in the state designed by the highway commissioner.

Approved March 14, 1969.

H. B. No. 429
(Backes, J. Peterson)

LIMITATIONS ON VEHICLE
LOAD EXTENSION

AN ACT

To amend and reenact section 39-12-06 of the North Dakota Century Code, relating to limitations on extending of load beyond front and side of motor vehicle.

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

Section 1. Amendment.) Section 39-12-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-06. Limitations on Extending of Load Beyond Front or Side of Motor Vehicle.) No motor vehicle carrying any load extending more than three feet beyond the front thereof and no passenger vehicle which carries any load extending beyond the lines of the left fenders of such vehicle nor extending more than twelve inches beyond the line of the fenders on the right side of such vehicle shall be operated on the highways. This limitation shall not apply to equipment used by a well driller contractor or structural material or equipment of telephone, power and telegraph companies provided such contractor or companies shall have paid a fifteen-dollar annual permit per vehicle to operate such equipment issued by the state highway department, which shall have authority to establish reasonable permit conditions and regulations in the interest of safety, public interest and adverse weather conditions and to comply with federal law. The state highway department shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

Approved March 26, 1969.

CHAPTER 350

H. B. No. 221

(Boustead, Boyum, Hentges, Weber, Berg)

MAINTENANCE OF PROOF OF
FINANCIAL RESPONSIBILITY

AN ACT

To amend and reenact section 39-16.1-03, subsection 1 of section 39-16.1-04, subsection 2 of section 39-16.1-07, and subdivision a of subsection 1 and subsection 3 of section 39-16.1-19 of the North Dakota Century Code, relating to the type of notice of an unsatisfied judgment under financial responsibility law, to clarify the law relating to the effect of failure to maintain proof of financial responsibility, to reduce the period that proof of financial responsibility is required to be maintained from five to three years and to require the payment of an additional fee for reissuing a license after proof of financial responsibility has been allowed to lapse and is subsequently reestablished.

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

Section 1. Amendment.) Section 39-16.1-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16.1-03. Notice of Failure to Satisfy Judgment.) When any person fails within thirty days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the commissioner immediately after the expiration of said thirty days, a certified copy of such judgment or a certified copy of the docket entries in an action resulting in a judgment for damages or a certificate of facts relative to a judgment on a form provided by the commissioner. If the judgment debtor is a nonresident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of drivers' licenses of the state of which the judgment debtor is a resident.

Section 2. Amendment.) Subsection 1 of section 39-16.1-04 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner, upon receipt of a certified copy of a judgment or a certified copy of the docket entries in an action resulting in a judgment on damages or a certificate of facts relative to a judgment on a form provided by the commissioner, shall forthwith suspend the license or operating privilege, of any person against whom such judgment was rendered except as hereinafter otherwise provided in this section and in section 39-16.1-06.

Section 3. Amendment.) Subsection 2 of section 39-16.1-07 of the 1967 Supplement to 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 highway while his privilege to drive is under suspension, revocation, or cancellation, such license and/or driving privileges shall remain suspended, revoked or cancelled and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person unless and until he shall give and thereafter maintain proof of financial responsibility.

Section 4. Amendment.) Subdivision a. of subsection 1 and subsection 3 of section 39-16.1-19 of the 1967 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

a. At any time after three years from the date such proof was required when, during the three-year period preceding the request, the commissioner has not received record of a conviction or a forfeiture of bail which would require the revocation of the license and/or operating privilege of the person by or for whom such proof was furnished; or

3. Whenever any person whose proof has been canceled or returned under subdivision c of subsection 1 of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused and no license shall be returned or reissued and the person's operator's license

and driving privileges shall remain under suspension or revocation, unless the applicant shall reestablish such proof for the remainder of such three-year period and pay to the commissioner in addition to any other fees, a fee of ten dollars.

Approved March 13, 1969.

CHAPTER 351

S. B. No. 146

(Ringsak, Freed, Holand, Nething, Meschke)

SUSPENSION OF COLLECTION OF FEE FOR UNSATISFIED JUDGMENT FUND

AN ACT

To amend and reenact section 39-17-02 of the North Dakota Century Code, relating to the establishment and administration of the unsatisfied judgment fund and providing for when collection of fees shall be suspended.

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

Section 1. Amendment.) Section 39-17-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-17-02. Unsatisfied Judgment Fund Established—Administration of the Fund by the Commissioner of Insurance—When Collection of Fee Suspended.) The fees paid pursuant to section 39-17-01 shall be deposited with the state treasurer, who shall credit the same to the unsatisfied judgment fund. Such fund shall be administered by the commissioner of insurance who shall perform all duties and responsibilities in regard to such fund not otherwise delegated to the attorney general or the state treasurer under the provisions of this chapter. The attorney general shall appoint a special assistant attorney general as legal counsel for such fund pursuant to section 54-12-08 and such special assistant attorney general is hereby authorized to perform all the duties and responsibilities in regard to such fund delegated to the attorney general under the provi-

sions of this chapter. Judgments recovered under the provisions of this chapter shall be paid from moneys deposited in the unsatisfied judgment fund under the provisions of this section and such moneys are hereby appropriated for such purpose. It is also provided that there shall be a continuing appropriation out of the fund of all moneys required for administration purposes but not to exceed thirty-five thousand dollars annually for administration of the unsatisfied judgment fund. If on the first day of June in any year the amount of uncommitted money standing to the credit of the unsatisfied judgment fund is three hundred thousand dollars or more, the requirement for the payment of such fee shall be suspended during the succeeding year and until such year in which, on the first day of June of the previous year, the uncommitted amount of such fund is less than three hundred thousand dollars when such fee shall be reimposed and collected as provided herein.

Approved March 29, 1969.

CHAPTER 352

S.B. No. 313
(Ringsak, Nething)

COMPROMISE OF REPAYMENT BY MOTORIST TO UNSATISFIED JUDGMENT FUND

AN ACT

To amend and reenact section 39-17-10 of the North Dakota Century Code, relating to repayment by a motorist of payments made on his behalf by the unsatisfied judgment fund, and providing that, under the supervision of the court, the repayment amount may be compromised.

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

Section 1. Amendment.) Section 39-17-10 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-17-10. Amount To Be Repaid Before Privileges Restored—Interest—Installment Payments Permissible—Compromise of Amount Due.) Where the driver's license or driving privileges of any person, or the registration of a motor vehicle

registered in his name, has been suspended or revoked pursuant to the laws of this state, and the state treasurer has paid from the fund any amount toward the satisfaction of a judgment and costs recovered against such person, the suspension or revocation shall not be removed, nor the driver's license or driving privileges or registration restored, nor any new license or driving privilege issued or granted to or registration be permitted to be made by such person until he has repaid in full to the state treasurer the amount so paid from such fund, together with interest thereon at the rate of two percent per annum from the date of such payment; and has furnished proof of financial responsibility as required by the laws of this state; provided that the court in which such judgment was rendered, may, upon ten days' notice to the attorney general, make an order permitting payment of the amount which such person is indebted to the fund, to be paid in installments, and in such case, such person's driver's license, or his driving privileges, or registration privileges, if the same have been suspended or revoked, or have expired, may be restored and shall remain in effect until and unless such person defaults, in making any installment payment specified in such order. In the event of any such default, the commissioner shall, upon notice of such default, suspend such person's driver's license, or driving privileges, or registration privileges until the amount of default has been paid in full and the additional sum of two hundred dollars has been paid to the fund to be applied to the judgment, providing that the judgment debtor may petition the court in which the judgment was rendered for a compromise of the judgment. The court in its discretion, upon notice to the attorney general, may order a compromise if the court is satisfied that such a compromise would be in the interests of justice and that the fund would benefit therefrom. Upon payment in full of such compromised amount the attorney general shall issue a satisfaction of judgment to the judgment debtor. In no case shall a compromise be ordered which is less than five hundred dollars or twenty percent of the judgment, whichever amount is greater.

Approved March 29, 1969.

CHAPTER 353

H.B. No. 189
(Hensrud, Emerson)

BONDS OF MOBILE HOME DEALERS

AN ACT

To amend and reenact section 39-18-02 of the North Dakota Century Code, relating to mobile home dealers' bonds.

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

Section 1. Amendment.) Section 39-18-02 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-02. Bond Required.) Before the issuance of a mobile home dealer's license, as provided by law, the applicant for such 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, be in the amount of five thousand dollars, and be conditioned upon the faithful compliance by said applicant as a dealer, if such license be issued to it or him, that such dealer will comply with all of the laws of the state of North Dakota pertaining to such business, and regulating or being applicable to the business of said dealer as a dealer in mobile homes, and indemnifying any person dealing or transacting business with such dealer in connection with any mobile home from any loss or damage occasioned by the failure of such dealer to comply with the provisions of the laws of the state of North Dakota, including, but not limited to, the furnishing of a proper and valid certificate of title to the vendee of the mobile home within ninety days of the sale of such mobile home, and that such bond shall be filed with the registrar of motor vehicles prior to the issuance of the license herein provided for. Provided, however, that the aggregate liability of the surety to all such persons for all such losses or damages shall, in no event, exceed the amount of such bond. Any third party sustaining injury within the terms of the bond may proceed against the principal and surety without making the state a party to any such proceedings.

Approved March 17, 1969.

CHAPTER 354

S. B. No. 193

(Becker, Nasset, Torgerson, Van Horn, Mutch, Decker)

TITLING, TAXATION, AND LICENSING
OF MOBILE HOMES

AN ACT

To amend and reenact sections 39-18-03 and 57-55-01 of the North Dakota Century Code, relating to the exemption of certain sleeping trailers from personal property and mobile homes taxes, and declaring an emergency.

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

Section 1. Amendment.) Section 39-18-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-03. Titling and Licensing of Mobile Homes, House Trailers and Travel Trailers—License Fee in Lieu of Personal Property Tax.) Every person other than a dealer who acquires a travel trailer, 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 transported by a driveaway transporter duly registered and licensed under the laws of this state, no person shall haul a mobile home, house trailer or travel trailer upon the highways of the state of North Dakota unless the same shall first be registered with and titled by the motor vehicle department, a certificate of title has been issued, 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 for mobile homes and house trailers, and in accordance with the following schedule for travel trailers as defined by section 57-55-01:

1. Where the length is less than twelve feet, five dollars.
2. Where the length is twelve feet or more but less than fifteen feet, ten dollars.
3. Where the length is fifteen feet or more but less than

nineteen feet, twenty dollars.

4. Where the length is nineteen feet or more but less than twenty-four feet, thirty dollars.
5. Where the length is twenty-four feet or more but less than twenty-nine feet, forty dollars.

If such mobile home, house trailer or travel trailer 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.

The annual license fee provided for in this section shall be in lieu of all personal property taxes upon such trailers but shall not preclude the taxation of certain mobile homes pursuant to chapter 57-55.

If such mobile home, house trailer or travel trailer remains stationary or parked within the state of North Dakota for a period of one year, no 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, house trailer or travel trailer after the same has been sold by the dealer to whom such tag was issued.

Section 2. Amendment.) Section 57-55-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-55-01. County Auditor to Tax Mobile Homes.) On or before January fifteenth of each year all nonself-propelled mobile homes or trailer houses, but not travel trailers, shall be taxed by the county auditor of the county of such trailer owner's domicile. Upon payment of the tax to the county treasurer, the treasurer shall issue a trailer tax decal which shall be valid in any county of this state during the period for which it was issued. A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently equipped for towing and when factory equipped for the road, having a body width not exceeding eight feet and being of any length provided its gross weight does not exceed four thousand five hundred pounds, or being of any weight provided its body length does not exceed twenty-nine feet.

Section 3. Emergency.) This Act is declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1969.

CHAPTER 355

S. B. No. 447
(Forkner)

POWERS AND DUTIES OF RECIPROCITY COMMISSION

AN ACT

To amend and reenact sections 39-19-01 and 39-19-03 of the North Dakota Century Code, relating to the authority of the reciprocity commission to execute agreements, arrangements, or declarations involving the powers and duties of the reciprocity commission, and declaring an emergency.

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

Section 1. Amendment.) Section 39-19-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-19-01. Reciprocity Commission—Membership—Substitute Membership—Powers and Duties.) The reciprocity commission shall consist of the state highway commissioner, the motor vehicle registrar, the superintendent of the state highway patrol, the state tax commissioner, and a member of the public service commission. Each regular member of the reciprocity commission may appoint his own substitute to act for him in his absence. This commission shall have the power to execute agreements, arrangements, or declarations involving the reciprocal use of the highways of this state by vehicles excepted in part or in full from registration requirements or mile tax payments in lieu thereof, or involving reciprocity between this state and any other state on matters relating to drivers' licensing, financial responsibility, traffic law enforcement, vehicle sizes and weights and vehicle inspection. The commission shall

also have the power to enter into reciprocal agreements with the appropriate officials of any other state under which it may waive all or any part of the requirements imposed by the laws or statutes of this state upon those who use or consume in the state of North Dakota gasoline, other motor vehicle fuel or special fuel upon which the tax has been paid to such other state, provided that the officials of such other state grant equivalent privileges with respect to gasoline, other motor vehicle fuel or special fuel used in such other state but upon which the tax has been paid to the state of North Dakota.

Section 2. Amendment.) Section 39-19-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-19-03. Reciprocal Use of Highways.) No person shall operate a vehicle upon the highways of this state unless the driver is licensed to operate a motor vehicle in this state or under a reciprocal agreement, arrangement or declaration, unless all appropriate fuel taxes have been paid or have been waived pursuant to a reciprocal agreement, arrangement or declaration, and such vehicle is registered under the laws of this state, has paid the mile tax in lieu of registration, or has complied with the requirements of a reciprocity agreement, arrangement or declaration executed by the reciprocity commission in accordance with powers and authority delegated to the commission by law.

Section 3. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 26, 1969.

CHAPTER 356

H. B. No. 225

(Boustead, Boyum, Berg, Kuehn)

**CONSENT TO CHEMICAL TEST OF
ALCOHOL CONTENT OF BLOOD**

AN ACT

To amend and reenact sections 39-20-03, 39-20-04 and 39-20-05 of the North Dakota Century Code, relating to the consent to a chemical test to determine the alcoholic content of blood, the filing of affidavits when there has been a refusal to submit to such chemical test, and the time for conducting administrative hearings.

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

Section 1. Amendment.) Section 39-20-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-03. Consent of Person Incapable of Refusal Not Withdrawn.) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by section 39-20-01 and the test or tests may be given.

Section 2. Amendment.) Section 39-20-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04. Revocation of Privilege to Drive Motor Vehicle Upon Refusal to Submit to Chemical Testing.) If a person under arrest refuses to submit to chemical testing, none shall be given, but the state highway commissioner, upon the receipt of a sworn report of the law enforcement officer, forwarded by the arresting officer within five days after the refusal, showing that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the test or tests, shall revoke his license or permit to drive and any nonresident operating privilege for a period of six months; or if the person is a resident without a license or a permit to operate a motor vehicle in this state the commis-

sioner shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

Section 3. Amendment.) Section 39-20-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-05. Administrative Hearing on Request.) Upon the written request of a person whose privilege to drive has been revoked or denied the commissioner shall grant the person an opportunity to be heard within thirty days after the receipt of the request, but the request must be made within sixty days after notice of revocation or denial is given such person. The hearing shall be before the commissioner or his authorized agent in the county wherein the alleged events occurred for which the person was arrested, unless the commissioner or his authorized agent and the person agree that the hearing may be held in some other county. The hearing shall be transcribed and its scope shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor; whether the person was placed under arrest; and, whether he refused to submit to the test or tests. Whether the person was informed that his privilege to drive would be revoked or denied if he refused to submit to the test or tests shall not be an issue. The commissioner or his authorized agent shall order either that the revocation or denial be rescinded or sustained.

Approved March 29, 1969.

CHAPTER 357

S. B. No. 396

(Forkner, Meschke, Mutch, Nasset, Unruh, Roen)

**MEASUREMENT OF BLOOD
ALCOHOL CONTENT****AN ACT**

To amend and reenact subsection 4 of section 39-20-07 of the North Dakota Century Code, relating to method of measuring percent by weight of alcohol in the blood.

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

Section 1. Amendment.) Subsection 4 of section 39-20-07 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

Approved March 25, 1969.

CHAPTER 358

S. B. No. 445

(Forkner, Meschke, Unruh, Mutch, Roen, Nasset)

FIELD INSPECTION OF BREATH TESTING
DEVICES

AN ACT

To amend and reenact subsection 5 of section 39-20-07 of the North Dakota Century Code, relating to field inspection of breath testing devices under the supervision of the state toxicologist.

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

Section 1. Amendment.) Subsection 5 of section 39-20-07 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The results of such chemical analysis shall be received in evidence when it is shown that the test was fairly administered, provided that a test of a person's blood, urine, breath, or other bodily substance and the result thereof is further shown to have been performed according to methods and/or with devices approved by the state toxicologist and by an individual possessing a certificate of qualification to administer the test issued by the state toxicologist. The state toxicologist is authorized to approve satisfactory techniques, devices, and methods of chemical analysis, and to determine and certify the qualifications of individuals to conduct such analysis. The state toxicologist may appoint, train, certify, and supervise field inspectors of breath testing equipment and its operation, and the inspectors shall report the findings of any inspection to the state toxicologist for appropriate action.

Approved March 26, 1969.

CHAPTER 359

S. B. No. 444

(Forkner, Meschke, Nasset, Unruh, Mutch, Roen)

**BLOOD SAMPLES TO BE TAKEN
FROM PERSONS KILLED IN
AUTO ACCIDENTS****AN ACT**

To provide that blood specimens be taken from persons fatally injured in automobile accidents and be examined by the state toxicologist for statistical purposes, prohibiting the results of such examinations from being used as evidence, and providing an appropriation.

**Be It Enacted by the Legislative Assembly of the State of
North Dakota:****Section 1. State Toxicologist to Examine Blood Specimens
of Fatalities in Accidental Deaths Involving a Motor Vehicle.)**

In cases of death occurring on or after July 1, 1969, resulting from a motor vehicle accident or other unnatural death occurring in a motor vehicle, the county coroner shall require that a blood specimen of at least 20 cc. be withdrawn from the body of the decedent within 24 hours after his death by a coroner, coroner's physician, or other qualified person, prior to embalming. The blood specimens shall be collected and preserved by methods and techniques established by the state toxicologist. The blood so drawn shall be sent to the state toxicologist for analysis for alcohol, carbon monoxide, and other drug content. The state toxicologist shall keep a record of all such examinations to be used for statistical purposes. The results of the examinations referred to in this section shall not be admissible in evidence in any action of any kind in any court or before any tribunal, board, agency, or person, but shall be used only for statistical purposes. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated to interested state and local officials and made public by the state toxicologist. Any person drawing blood and any person making any examination of blood under the terms of this Act shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed. The individual drawing the blood sample shall be paid a fee of five dollars by the state toxicologist for each acceptable blood specimen submitted for analysis under the requirements of this Act.

CHAPTER 360

S. B. No. 202
(Forkner, Mutch, Pyle, Doherty)

SLOW-MOVING VEHICLE IDENTIFICATION
EMBLEM

AN ACT

To provide for the use of a slow-moving vehicle identification emblem, and providing a penalty for noncompliance.

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

Section 1. Slow-Moving Vehicles Required to Display Identification Emblem.) All implements of husbandry, as defined in section 39-01-01 of the North Dakota Century Code, and machinery, including all road construction machinery, which is designed for operation at a speed of twenty-five miles an hour or less, shall display a triangular slow-moving vehicle emblem whenever it is traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. Such emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The highway commissioner shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. The standards and specifications for slow-moving vehicle emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers. No vehicle, other than those specified in this section, shall display a slow-moving vehicle emblem, and its use on any type of stationary object is prohibited.

Section 2. Penalty.) Any person who fails or refuses to comply with the provisions of this Act shall be guilty of a misdemeanor punishable by a fine of not more than twenty-five dollars for each offense.

Approved March 14, 1969.

CHAPTER 361

H. B. No. 190
(Hensrud, Emerson)

MOTOR VEHICLE DEALERS' BONDS

AN ACT

To amend and reenact section 39-22-05 of the North Dakota Century Code, relating to motor vehicle dealers' bonds.

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

Section 1. Amendment.) Section 39-22-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-05. 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. Any third party sustaining injury within the terms of the bond may proceed against the principal and surety without making the state a party to any such proceedings.

Approved March 18, 1969.

CHAPTER 362

H. B. No. 163
(Giffey, Boustead)

REGULATION OF SNOWMOBILES

AN ACT

To provide for the regulation of the use of snowmobiles; providing a penalty; providing an appropriation; and declaring an emergency.

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

Section 1. Definitions.) For the purpose of this Act:

1. "Person" includes an individual, partnership, corporation, association, the state and its departments, agencies, and political subdivisions, and any body of persons, whether incorporated or not.
2. "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by wheels, skis, or runners.
3. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.
4. "Operate" means to ride in or on and control the operation of a snowmobile.
5. "Operator" means every person who operates or is in actual physical control of a snowmobile.
6. "Register" means the act of assigning a registration number to a snowmobile.
7. "Registrar" means the registrar of motor vehicles as provided in chapter 39-02.
8. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

9. "Dealer" means every person, partnership, or corporation engaged in the business of buying, selling, or exchanging snowmobiles, or who advertises, or holds himself out to the public as engaged in the buying, selling, or exchanging of snowmobiles, or who engages in the buying of snowmobiles for resale.

Section 2. Snowmobile Registration—General Requirement.)

Except as hereinafter provided, no person shall on and after October 15, 1969, operate any snowmobile upon any public-owned easements, trails, accesses, lands, lakes, rivers, or streams unless such snowmobile has been registered in accordance with the provisions of this Act.

Section 3. Registration—Application—Issuance—Fees—Renewal.) Application for registration shall be made to the registrar in such form as the registrar shall prescribe and furnish, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. A copy of such application shall serve as evidence of registration for a period of not more than thirty days from the date of application. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number and a certificate of registration assigned. Such registration number shall be:

1. At least two inches in height and of a reflectorized material; and
2. Securely affixed on each side of the forward half of the snowmobile in such position as to provide clear legibility for identification. Such certificate of registration shall include information regarding the manufacturer, model, year, and serial number, if such information is available; the address of the owner; and the address of the former owner or the dealer, as the case may be.

The fee for registration of each snowmobile shall be two dollars for a registration period of two years beginning July 1 of each biennium. The fee for initial registration of each snowmobile registered on and after July 1 of the second year of the biennium shall be one dollar. The fee for a duplicate or transfer registration shall be one dollar.

Every owner of a snowmobile shall renew his registration

in such manner as the registrar shall prescribe, upon payment of the same registration fees provided in this section. On or before March 1 of each year the registrar shall forward to the county auditor of each county in this state a list containing the number and owners thereof of registered snowmobiles in each such county.

Upon application for registration as prescribed in this section, any snowmobile dealer as defined in section 1 of this Act shall be issued registration numbers distinctively marked as dealer's registration numbers upon payment of the appropriate fee as prescribed in this section. Such dealer's registration numbers shall be used only on snowmobiles owned by the dealership.

Section 4. Exemption from Fees and Registration.)

1. A registration number shall be issued without the payment of a fee for snowmobiles owned by the state of North Dakota or any of its political subdivisions upon application for such registration.
2. No registration or fees shall be required of:
 - a. Snowmobiles owned and used by the United States, another state or its political subdivisions.
 - b. Snowmobiles registered in a country other than the United States and temporarily used within this state.
 - c. Snowmobiles validly licensed in another state and which have not been within this state for more than thirty consecutive days.

Section 5. Disposition of Registration Fees.) Fees from registration of snowmobiles shall be deposited with the state treasurer and credited to the motor vehicle registrar fund.

Section 6. Transfer or Termination of Snowmobile Ownership or Change of Address of Owner.) Within fifteen days after the transfer of ownership, or any part thereof, other than a security, interest, or the destruction or abandonment of any snowmobile, or a change of address of the owner as listed with the application for registration, written notice thereof shall be given by the owner to the registrar in such form as shall be prescribed by the registrar.

Section 7. Licensing by Political Subdivisions.) No political subdivision of this state shall require licensing or registration of snowmobiles subject to the provisions of this Act.

Section 8. Rules and Regulations.) Pursuant to this Code and this Act, rules and regulations for the regulation and use of snowmobiles shall be adopted as follows:

1. The registrar shall promulgate rules and regulations for the registration of snowmobiles and display of registration numbers.
2. The highway commissioner shall promulgate rules and regulations for regulating the use of snowmobiles on streets and highways under his jurisdiction.
3. The director of state parks shall promulgate rules and regulations for regulating use of snowmobiles in state parks and other state-owned land described in section 55-08-03.
4. The governing bodies of political subdivisions shall promulgate rules and regulations for regulating use of snowmobiles in recreation and other appropriate areas under their exclusive jurisdiction. The governing bodies of incorporated cities may, by ordinance, regulate the time of the day during which snowmobiles may be operated within the geographical limits of such city.

Section 9. Rules for Operation of Snowmobiles.)

1. No person shall operate a snowmobile upon the roadway, shoulder or inside bank or slope of any road, street, or highway in this state except as provided pursuant to this Act. No snowmobile shall be operated at any time within the right-of-way of any interstate highway within this state except for emergency purposes.
2. A snowmobile may make a direct crossing of a street or highway provided:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

- b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
 - c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
3. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the highway commissioner pursuant to the authority vested in him by this Code and this Act.
 4. The emergency conditions under which a snowmobile may be operated other than as provided by this Act shall be such as to render the use of an automobile impractical under such conditions at such period of time and location.
 5. It shall be unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or narcotics or habit forming drugs.
 - d. Without a lighted head lamp and tail lamp when required for safety.
 - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - f. Without a manufacturer-installed or equivalent muffler.

fler in good working order and connected to the snowmobile exhaust system.

6. It shall be unlawful for any person under the age of fourteen to operate a snowmobile upon the roadway, shoulder, or inslope of any road, street, or highway in this state.
7. When snowmobiles are operated within the right-of-way of any road, street, or highway of this state pursuant to this Act, during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the snowmobile.
8. It shall be unlawful for any person to operate a snowmobile within a highway right-of-way as defined in subsection 37 of section 24-01-01.1 between April 1 and November 1 of any year.

Section 10. Enforcement.) Highway patrolmen of this state, county sheriffs, and city police officers, and their respective duly authorized representatives are hereby authorized to enforce the provisions of this Act.

Section 11. Penalties.) Any person who shall violate any provision of this Act or any regulation promulgated hereunder shall be guilty of a misdemeanor and be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than ninety days, or both such fine and imprisonment.

Section 12. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$5,000.00, or so much thereof as may be necessary, to the motor vehicle registrar for the purpose of administration of the registration of snowmobiles for the biennium beginning July 1, 1969, and ending June 30, 1971.

Section 13. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval except that registration of snowmobiles shall not be required until on and after October 15, 1969.

Approved March 29, 1969.

CHAPTER 363

H. B. No. 48

(Bernabucci, Boyum, DeKrey, Giffey, Hensrud)

(Moquist, Schaffer, Weber)

(From Legislative Research Committee Study)

REGULATION OF COMMERCIAL
DRIVING TRAINING

AN ACT

Relating to the supervision of commercial driver training schools, and providing a penalty.

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

Section 1. Definitions.)

1. "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services.
2. "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for such a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

Section 2. Duties of Superintendent—Regulations.)

1. The superintendent of the state highway patrol shall adopt and prescribe such regulations concerning the administration and enforcement of this Act as are necessary to protect the public. The superintendent shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructors' licenses.
2. The superintendent shall administer and enforce this Act and shall formulate and promulgate the regulations for its administration and enforcement.

Section 3. Schools—License Required—Contents of Application for License.) No commercial driver training school shall be established nor shall any existing school continue to operate on or after July 1, 1969, unless such school shall apply for and obtain from the superintendent a license in the manner and form prescribed by him.

The application for license shall include a statement of the location of the school, the equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance and such other matters as the superintendent may prescribe for the protection of the public.

Section 4. Instructors—License Required—Contents of Application for License.) No person shall act as an instructor on or after July 1, 1969, unless such person applies for and obtains a license in the manner and form prescribed by this Act.

The regulations shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and such other matters as the superintendent may prescribe for the protection of the public.

Section 5. Expiration and Renewal of Licenses—Fees.) All licenses shall expire on the last day of the calendar year and may be renewed upon application to the superintendent as prescribed by his regulations. Each application for an original or renewal school license shall be accompanied by a fee of five dollars, and each application for an original or renewal instructor's license shall be accompanied by a fee of two dollars. Such fees shall be deposited in the state treasury in the state highway fund. No license fees shall be refunded in the event any license is rejected, suspended, or revoked.

Section 6. Refusal, Suspension, or Revocation of Licenses.) The superintendent may refuse to issue, or may suspend or revoke a license in any case where he finds the applicant or licensee has violated any of the provisions of this Act or the regulations adopted by him. A suspended or revoked license shall be returned to the superintendent by the licensee.

Section 7. Exclusions—Free Instruction—Colleges, Universities, and High Schools.) This Act shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, nor to schools or classes conducted by colleges, universities, and high schools for regularly enrolled full or part-time students as a part of a normal program for such institutions.

Section 8. Violations and Penalties.) Any person who shall violate section 3 or 4 of this Act shall be guilty of a misdemeanor and 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.

Approved March 13, 1969.

CHAPTER 364

S. B. No. 148
(Nothing, Freed)

CONSTRUCTION OF LAW ENFORCEMENT
TRAINING CENTER

AN ACT

Making an appropriation for the construction of a law enforcement training center and providing for an additional fifty-cent fee for each new motor vehicle operator's license or renewal of such license during a two-year period.

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

Section 1. Appropriation.) There is hereby appropriated out of any unappropriated funds in the state highway fund in the state treasury, the sum of \$165,000.00, or so much thereof as may be necessary, to the highway patrol for the purpose of constructing, furnishing, operating and maintaining a law enforcement training center on property owned by the state of North Dakota and under the control of the adjutant general at Bismarck. Such appropriation shall not be available until an equal amount in matching funds is made available for this purpose by the federal government.

Section 2. Additional Motor Vehicle Operator's License Fee Disposition.) In addition to any other motor vehicle operator's license fees the highway commissioner, upon order of the governor, shall assess an additional fifty-cent fee for each new motor vehicle operator's license issued during the two-year period following the date of such order or for each renewal of an existing license during such two-year period. Such fee shall not be collected more than once from any applicant for a motor vehicle operator's license. The governor shall issue the order assessing such a fee when the federal matching funds referred to in section 1 hereof have been certified by the proper authority to be available. The amount collected hereunder shall be deposited in the state highway fund in the state treasury.

Approved March 29, 1969.