

MOTOR VEHICLES

CHAPTER 286

SENATE BILL NO. 2156

(Committee on Transportation)

(At the request of the Motor Vehicle Registrar)

COSTS OF COLLECTION OF FEES PAID BY NSF CHECKS

AN ACT to amend and reenact section 39-04-06 of the North Dakota Century Code, relating to motor vehicle registration fees paid by NSF checks; providing for the cost of collection.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

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

39-04-06. WHEN REGISTRATION RESCINDED.) The department shall rescind and cancel the registration of a motor vehicle;

1. When the department shall determine that a vehicle is unsafe or unfit to be operated or is not equipped as required by law; or
2. Whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person or on a motor vehicle not entitled thereto; or
3. Whenever the reciprocity commission finds that a vehicle is registered in accordance with a reciprocity agreement, arrangement or declaration and such vehicle is operated in violation of such agreement.

Whenever a check is returned to the department for want of payment the department shall rescind and cancel the registration of the motor vehicle covered by such check.

Any registration rescinded and cancelled for want of payment of a check shall be restored upon payment of the registration fee, any penalty due for late registration and the additional sum of ten dollars for the cost of collection of the check.

Approved March 3, 1973

CHAPTER 287

HOUSE BILL NO. 1155
(Gronneberg)

VEHICLES OWNED BY
AMATEUR RADIO OPERATORS

AN ACT to amend and reenact section 39-04-10 of the North Dakota Century Code, relating to the registration of motor vehicles owned by amateur radio station operators.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-04-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-10. SPECIAL PLATES FOR AMATEUR RADIO STATION LICENSE HOLDERS.) Owners of motor vehicles required to be registered under subdivisions a and b of subsection 2 of section 39-04-19, who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, Washington, D. C., upon application to the motor vehicle registrar, accompanied by proof of ownership of such amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws, shall be issued special number plates in lieu of the number plates ordinarily issued, upon which shall be inscribed the official amateur radio call letters of such applicant as assigned by the federal communications commission. Such applications must be filed by October first prior to the year of issuance.

The motor vehicle registrar shall furnish to the sheriff of each county in the state of North Dakota an alphabetically arranged list of the names and special plate letters of each person to whom a plate is issued under the provisions of this section, and it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.

Approved March 3, 1973

CHAPTER 288

HOUSE BILL NO. 1141
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

MANUFACTURERS' PLATES

AN ACT to amend and reenact section 39-04-10.1 of the North Dakota Century Code, relating to a manufacturer's registration plate.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-04-10.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-10.1. MANUFACTURER'S PLATE - FEE.) A resident factory representative of any passenger motor vehicle manufacturer may procure from the motor vehicle registrar a manufacturer's plate, which shall be designed by the registrar, for a fee of one hundred and fifty dollars, which fee shall be for a twelve-month period. If such plate is procured at other than the beginning of the registration period such fees shall be prorated on a monthly basis. The procurement of such manufacturer's plate by a factory representative shall be in lieu of the payment of any other registration fees, sales tax, or use tax on the passenger motor vehicle used by the factory representative in the course of his employment for the period for which the manufacturer's plate is current and valid. Such manufacturer's plate shall not be used by any person other than the representative to whom it was issued, nor shall such plate be used on any vehicle other than that vehicle used by the factory representative in the course of his employment. Upon the sale of the vehicle for which such manufacturer's plate was issued, the plate shall be retained by the factory representative and used upon replacement vehicles subsequently acquired from the manufacturer for use in the course of his employment.

In addition to the foregoing provisions, a bona fide domestic manufacturer of passenger motor vehicles shall be entitled to use a manufacturer plate on its demonstration vehicles. Such plate shall be issued in the name of the manufacturer and shall be used solely for demonstration purposes only by the registrant or its designated employees.

Approved March 21, 1973

CHAPTER 289

HOUSE BILL NO. 1168
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

TRANSFER OF LICENSE PLATES

AN ACT to amend and reenact section 39-04-12 of the North Dakota Century Code, relating to the registration of a motor vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

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

39-04-12. CONTENTS OF NUMBER PLATES - SIZE OF LETTERS AND NUMERALS ON PLATES - REFLECTORIZED - TABS OR STICKERS - ADDITIONAL FEE.) Number plates shall be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and shall be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all such number plates shall be legible for a minimum distance of one hundred feet to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each plate shall be treated with a reflectorized material according to the specifications prescribed by the registrar. The registrar shall furnish such number plates for a four-year period commencing January 1, 1958. In any year during which number plates are not furnished the registrar shall furnish for each annual registration a year plate, tab, or sticker to designate the year registration. This plate, tab, or sticker shall show the calendar year for which issued, and is valid only for that year. It shall be unlawful for any person to transfer to another vehicle the number plate, tab, or sticker during the period or calendar year for which issued, except as hereinafter provided.

A registration plate currently assigned to a motor vehicle may be transferred to a similar replacement motor vehicle at the owners request, upon payment of the appropriate registration fees applicable to the replacement vehicle and a three dollar transfer fee. A new registration plate shall be assigned to the motor vehicle being replaced.

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

Approved February 25, 1973

CHAPTER 290

SENATE BILL NO. 2155
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

INSTALLMENT REGISTRATION FOR
HEAVY VEHICLES

AN ACT to amend and reenact section 39-04-15.1 of the North Dakota Century Code, relating to the registration of motor vehicles over thirty-six thousand pounds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-04-15.1 of the North Dakota Century Code is hereby amended to read as follows:

39-04-15.1. INSTALLMENT REGISTRATION OF VEHICLES LICENSED FOR A GROSS WEIGHT IN EXCESS OF THIRTY-SIX THOUSAND POUNDS - DELINQUENCIES - PENALTY.) All motor vehicles registered for a gross weight in excess of thirty-six thousand pounds, may be registered by the payment of registration fees in two installments, each equal to one-half of the annual fee. Such installments shall be due on January 1 and July 1 of each year and delinquent on February 1, and August 1, respectively. A penalty, in addition to that provided in section 39-04-16, of twenty-five dollars shall be added to any installment delinquent under the provisions of this section. When any vehicle is initially registered between installment dates hereunder, the registrar may prorate the fee in equal installments consisting of the date of such initial registration and any unexpired installment dates. The license plates shall be issued upon the payment of the first installment, plus five dollars, but upon default in the payment of any installment, the registrar shall cause the license plates to be removed from the vehicle involved and shall not reissue them until the installment plus penalties have been paid.

Approved March 8, 1973

CHAPTER 291

HOUSE BILL NO. 1188
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

REGISTRATION AND TITLING OF
TRUCK TRACTOR SEMITRAILERS

AN ACT to amend and reenact subsection 1 of section 39-04-18, subsection 4 of section 39-04-19, and subsection 6 of section 39-05-01 of the North Dakota Century Code, relating to the registration and titling of truck tractor semitrailers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 1 of section 39-04-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Except as provided in this section, every motor vehicle as defined in subsection 32 of section 39-01-01 and semitrailers designed to be towed by a truck tractor operated or intended to be operated upon any highway, road, or street in this state shall be registered annually with the motor vehicle registrar. Any vehicle being operated on highways, roads, or streets of this state shall display such license plates as are furnished by the motor vehicle registrar upon the payment of the fees prescribed in this chapter.

Upon satisfactory proof to the registrar that a motor vehicle owned by a resident of this state was not used upon any of the highways of this state in any one or more years, such motor vehicle may be registered upon payment of the registration fee for the current year, and upon further payment of five dollars for each calendar year for which the vehicle was not registered and no license fee was paid therefor.

Any resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense any motor vehicle owned by him without paying any fee for the intervening years when such vehicle was not licensed, nor any penalties therefor, providing such veteran shows by suitable affidavit that such vehicle was not in use during any year in which it was not licensed. Such vehicle shall be licensed for the license fee applicable to the month of the year in which application for license is made.

SECTION 2. AMENDMENT.) Subsection 4 of section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted

to read as follows:

4. The fee for a trailer identification plate for all privately owned trailers shall be two dollars; for all trailers which are offered for lease or rent to the public, five dollars; and for all semitrailers designed to be towed by a truck tractor, ten dollars.

SECTION 3. AMENDMENT.) Subsection 6 of section 39-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. The term "motor vehicle" as used in this chapter shall include a house trailer or mobile home and any semi-trailer designed to be towed by a truck tractor.

Approved March 12, 1973

CHAPTER 292

SENATE BILL NO. 2092
(Committee on Transportation)
(At the request of the Highway Department)

NONRESIDENT MILE TAX

AN ACT to amend and reenact subsection 1 of section 39-04-19 of the North Dakota Century Code, relating to nonresident mile tax in lieu of motor vehicle registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

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

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the state highway commissioner, shall pay a fee of ten dollars for a trip permit which shall be valid for a period of seventy-two hours or until such vehicle shall leave the state, whichever shall first occur. All fees collected under the provisions of this subsection shall be credited to the highway construction fund.

Approved March 8, 1973

CHAPTER 293

SENATE BILL NO. 2154
 (Committee on Transportation)
 (At the request of the Motor Vehicle Registrar)

REGISTRATION FEES FOR MOTOR BUSES

AN ACT to amend and reenact subdivision a of subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to registration of motor buses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subdivision a of subsection 2 of section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

YEARS REGISTERED

Gross Weight	1st, 2nd, and 3rd years	4th, 5th, and 6th years	7th, 8th, and 9th years	10th and Subsequent years
1999 or less	\$ 27.00	\$ 21.00	\$ 16.00	\$ 11.00
2000-2399	29.00	23.00	17.00	12.00
2400-2799	31.00	25.00	19.00	13.00
2800-3199	33.00	26.00	20.00	14.00
3200-3599	37.00	29.00	22.00	15.00
3600-3999	41.00	33.00	25.00	17.00
4000-4499	51.00	41.00	31.00	21.00
4500-4999	67.00	53.00	40.00	27.00
5000-5999	95.00	76.00	57.00	38.00
6000-6999	125.00	100.00	75.00	50.00
7000-7999	155.00	124.00	93.00	62.00
8000-8999	185.00	148.00	111.00	74.00
9000-and over	215.00	172.00	129.00	86.00

In addition to the fees required in this subsection and section 49-18-32, all motor buses used for the transportation of persons for hire over the highways of this state, which have a seating capacity of more than seven passengers shall pay an annual additional license fee of nine dollars for each passenger capacity in excess of seven. Motor passenger buses operating exclusively within the corporate limits of any city shall not be required to pay this fee.

Approved March 15, 1973

CHAPTER 294

HOUSE BILL NO. 1170

(Gackle, Hildebrand, Mertens, Olin, Lundene)

VEHICLE WEIGHT LIMITATIONS

AN ACT to create and enact sections 39-12-05.1 and 39-12-05.2 of the North Dakota Century Code, relating to weight limitations for vehicles on interstate highways and highways other than the interstate designated by the commissioner or local authorities; and to amend and reenact subparagraph b. of subsection 2. of section 39-04-19 and section 39-12-05 of the North Dakota Century Code, relating to weight limitations for vehicles and motor vehicle registration fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subparagraph b of subsection 2 of section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. School buses and trucks or combination trucks and trailers, including commercial and non-commercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5 of this section:

<u>Gross Weights</u>	<u>Years Registered</u>			
	<u>1st, 2nd and 3rd Years</u>	<u>4th and 5th Years</u>	<u>6th and 7th Years</u>	<u>8th and Subsequent Years</u>
0- 4,000	\$19.00	\$15.00	\$11.00	\$11.00
4,001- 6,000	24.00	19.00	15.00	11.00
6,001- 8,000	29.00	23.00	18.00	11.00
8,001-10,000	34.00	28.00	21.00	12.00
10,001-12,000	40.00	32.00	24.00	14.00
12,001-14,000	45.00	36.00	27.00	16.00
14,001-16,000	50.00	40.00	30.00	18.00
16,001-18,000	55.00	44.00	33.00	20.00
18,001-20,000	61.00	49.00	37.00	22.00
20,001-22,000	66.00	53.00	40.00	23.00
22,001-24,000	71.00	57.00	43.00	25.00

<u>Gross Weights</u>	<u>Years Registered</u>		
	<u>1st, 2nd, 3rd and 4th Years</u>	<u>5th, 6th, 7th, 8th and 9th Years</u>	<u>10th and Subsequent Years</u>
24,001-26,000	\$156.00	\$125.00	\$109.00
26,001-28,000	191.00	153.00	134.00
28,001-30,000	226.00	181.00	158.00
30,001-32,000	261.00	209.00	183.00
32,001-34,000	296.00	237.00	207.00
34,001-36,000	331.00	265.00	232.00
36,001-38,000	366.00	293.00	256.00
38,001-40,000	401.00	321.00	281.00
40,001-42,000	436.00	349.00	305.00
42,001-44,000	471.00	377.00	330.00
44,001-46,000	506.00	405.00	354.00
46,001-48,000	541.00	433.00	379.00
48,001-50,000	576.00	461.00	403.00
50,001-52,000	611.00	489.00	428.00
52,001-54,000	646.00	517.00	452.00
54,001-56,000	681.00	545.00	477.00
56,001-58,000	716.00	573.00	501.00
58,001-60,000	751.00	601.00	526.00
60,001-62,000	786.00	629.00	550.00
62,001-64,000	821.00	657.00	575.00
64,001-66,000	856.00	685.00	599.00
66,001-68,000	891.00	713.00	624.00
68,001-70,000	926.00	741.00	648.00
70,001-72,000	961.00	769.00	673.00
72,001-74,000	996.00	797.00	697.00
74,001-76,000	1,031.00	825.00	722.00
76,001-78,000	1,066.00	853.00	746.00
78,001-80,000	1,101.00	881.00	771.00
80,001-82,000	1,136.00	909.00	795.00

SECTION 2. AMENDMENT.) Section 39-12-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-05. WEIGHT LIMITATIONS FOR VEHICLES ON INTERSTATE SYSTEM.) On the interstate highway system and where not otherwise provided:

1. No single axle shall carry a gross weight in excess of eighteen thousand pounds nor a wheel load to exceed nine thousand pounds. No wheel shall carry a gross weight in excess of five hundred and fifty pounds for each inch of tire width. Axles spaced forty inches apart or less shall be considered as one axle and on axles spaced over forty inches and under eight feet apart, the axle load shall not exceed sixteen thousand pounds per axle. The wheel load, in any instance, shall not exceed one-half the allowable axle load. Spacing between axles shall be measured from axle center to axle center.

2. Subject to the limitations imposed by the above subsection on tires, wheel and axle loads, no vehicle or combination of vehicles shall be operated whose gross weight, including the load, exceeds sixty-four thousand pounds or that determined by adding the distance in feet between the first axle and the last axle of such vehicle or combination vehicles, to the factor forty and multiplying this sum by seven hundred fifty, whichever is lesser. Such gross weight limitation shall not apply to such equipment as the state highway commissioner or his agents may approve for exemption, but gross weights shall not exceed seventy-three thousand two hundred and eighty pounds. The decision on exemption shall be determined on the basis of improved equipment design, which, in his opinion, will better distribute the load and reduce roadway damage; provided further that where the distance between the first axle and the last axle of any group of axles of such vehicle or combination of vehicles is eighteen feet or less the gross weight on the group of axles under consideration shall be determined by adding the distance in feet between the first axle and the last axle of the group under consideration to the factor of forty and multiplying this sum by six hundred fifty.

SECTION 3.) Section 39-12-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-12-05.1. WEIGHT LIMITATIONS FOR VEHICLES ON DESIGNATED HIGHWAYS.) On state highways other than on the interstate system designated by the commissioner and on other highways designated by local authorities under their jurisdiction:

1. No single axle shall carry a gross weight in excess of twenty thousand pounds nor a wheel load to exceed ten thousand pounds. No wheel shall carry a gross weight in excess of five hundred and fifty pounds for each inch of tire width. Axles spaced forty inches apart or less shall be considered as one axle, and axles spaced over forty inches and under eight feet apart, the axle load shall not exceed seventeen thousand pounds per axle. The wheel load, in any instance, shall not exceed one-half the allowable axle load. Spacing between axles shall be measured from axle center to axle center.
2. Subject to the limitations imposed by the above subsection on tires, wheel, and axle loads, no vehicle or combinations of vehicles shall be operated whose gross weight exceeds that determined by the formula of:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 32 \right)$$

where W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under consideration. Such gross weight limitation shall not apply to such equipment as the state

highway commissioner or his agents may approve for exemption.

SECTION 4.) Section 39-12-05.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-12-05.2. INTERSTATE WEIGHT LIMITATIONS IF PERMITTED BY CONGRESS.) Notwithstanding the provisions of section 39-12-05, weight limitations for vehicles on the interstate system shall be deemed amended to permit weight limitations not in excess of that allowed by section 39-12-05.1, at such time that vehicle weights in excess of the limitations imposed by section 39-12-05 are permitted by Congress on the interstate system.

Approved March 8, 1973

CHAPTER 295

SENATE BILL NO. 2128
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

REGISTRATION CARDS

AN ACT to create and enact sections 39-04-54 and 39-04-55 of the North Dakota Century Code, and to repeal sections 39-05-10 and 39-05-12 of the North Dakota Century Code, relating to the registration of motor vehicles; and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Sections 39-04-54 and 39-04-55 of the North Dakota Century Code are hereby created and enacted to read as follows:

39-04-54. REGISTRATION CARD - ISSUANCE - CONTENTS - SIGNING.) Upon registering a motor vehicle, the department shall issue to the applicant a registration card which shall set forth:

1. The date issued;
2. The registration number assigned to the applicant and to the vehicle;
3. A description of the registered vehicle, including either the engine, serial, or identification number;
4. A space for the signature of the applicant; and
5. Such other statements of fact as may be determined by the department.

39-04-55. REGISTRATION CARD TO BE CARRIED IN OR ON VEHICLE - INSPECTION OF CARD - PENALTY.) The registration card issued for a vehicle shall be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or a trailer or semitrailer regardless of when such vehicle was acquired, inside or on such vehicle, at all times while the vehicle is being operated upon a highway in this state. Such card shall be subject to inspection by any peace officer. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

* SECTION 2. REPEAL.) Sections 39-05-10 and 39-05-12 of the North Dakota Century Code are hereby repealed.

Approved March 8, 1973

*NOTE: Section 39-05-12 was amended by section 17 of Senate Bill No. 2033, chapter 301.

CHAPTER 296

SENATE BILL NO. 2137
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

ENFORCEMENT OF MOTOR VEHICLE
TITLE LAW

AN ACT to amend and reenact section 39-05-32 of the North Dakota Century Code, relating to enforcement of motor vehicle title law.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-05-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-32. OFFICERS TO ENFORCE PROVISIONS OF CHAPTER.)
The highway patrol and all other road or police officers,
including appointees of the highway commissioner shall enforce
the provisions of this chapter.

Approved March 15, 1973

CHAPTER 297

HOUSE BILL NO. 1215
(Herman)

RESTRICTED LICENSES ISSUED TO MINORS

AN ACT to amend and reenact subsection 3 of section 39-06-17, of the North Dakota Century Code, relating to issuance of driver's license.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 3 of section 39-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * 3. A restricted operator's license or permit to operate his parent's or guardian's automobile, or any other automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of his parent or guardian. No driver's license shall be issued until 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.
 - 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.

Approved March 28, 1973

*NOTE: Subsection 3 of section 39-06-17 was also amended by section 1 of House Bill No. 1252, chapter 298.

CHAPTER 298

HOUSE BILL NO. 1252
(Gengler)

BEHIND-THE-WHEEL INSTRUCTION

AN ACT to amend and reenact subsection 3 of section 39-06-17 of the North Dakota Century Code, relating to behind-the-wheel instruction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 3 of section 39-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

*

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.
- d. The child has completed at least six hours of behind-the-wheel instruction by an instructor acceptable to the commissioner.

For the purposes of this subdivision:

- (1) Four hours of instruction with a driving simulator approved for use in driver training by the commissioner shall be equivalent to one hour of behind-the-wheel instruction.
- (2) Two hours of instruction on a multiple car driving range approved by the commissioner shall be equivalent to one hour of behind-the-wheel instruction.

*NOTE: Subsection 3 of section 39-06-17 was also amended by section 1 of House Bill No. 1215, chapter 297.

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 subsection shall not authorize the child to drive a motorcycle, commercial truck, motor bus, or taxicab.

Approved March 11, 1973

CHAPTER 299

HOUSE BILL NO. 1285
(Orange, Langley, Rued)

EXTENDED DRIVERS' LICENSES
FOR MILITARY PERSONNEL

AN ACT to create and enact section 39-06-19.1 of the North Dakota Century Code, to provide for the extension of the term of drivers' licenses held by members of the armed forces.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 39-06-19.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-06-19.1. EXTENDED TERM OF LICENSE HELD BY MEMBERS OF THE ARMED FORCES - LIMITATIONS.) A valid operator's license issued under the provisions of this chapter to a resident of North Dakota who enters or is in the United States armed forces and serving upon active duty with such forces shall continue in full force and effect so long as the active service continues and the licensee remains absent from this state, and for not to exceed thirty days following the date on which the holder of such license is honorably separated from such service or returns to this state, unless the license is sooner suspended, canceled, or revoked for cause as provided by law. The license is valid only when in the immediate possession of the licensee while driving and the licensee has his discharge or separation papers, if he has been discharged or separated from the service, or his leave papers, if he is on leave, in his immediate possession.

Approved February 25, 1973

CHAPTER 300

HOUSE BILL NO. 1179
(Garnas)

AUTHORITY TO CANCEL LICENSES

AN ACT to amend and reenact section 39-06-24 of the North Dakota Century Code, relating to the authority to cancel driver's licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-06-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-24. AUTHORITY TO CANCEL LICENSES.) The commissioner may cancel any operator's license or permit upon determining that the licensee is not entitled to the issuance of a license under the laws of this state or that said licensee failed to give the required or correct information on his application or committed any fraud in making such application or the fee was in the form of an insufficient fund or no-account check. Upon such cancellation, the licensee must surrender the license or permit so canceled to the commissioner.

Approved February 25, 1973

CHAPTER 301

SENATE BILL NO. 2033
(Holand, Barth, Nething)
(From Legislative Council Study)

DISPOSITION OF TRAFFIC OFFENSES

AN ACT to provide for alternate methods of disposing of certain traffic offenses; to define moving and nonmoving offenses; to provide for mandatory suspension of motor vehicle operators' licenses when certain numbers of demerits have accumulated on licensees' driving records; to create and enact section 29-27-02.1 of the North Dakota Century Code, relating to disposition of fines and forfeitures; and to amend and reenact subsection 3 of section 29-01-14, sections 29-05-31, 39-05-12, subsections 2 and 9 of section 39-06-03, subsection 1 of section 39-06-17, sections 39-06-31, 39-06-32, 39-07-09, 39-07-11, 39-08-18, 39-09-01, 39-10-31, 39-12-08, 39-12-09, subsection 2 of section 39-16.1-07, subsection 1 of section 39-21-46, sections 39-21-50, 39-24-11, and 40-05-06 of the North Dakota Century Code, relating to restricted licenses and mandatory revocation of licenses, to discretionary authority to suspend licenses, to the form of the uniform traffic summons and complaint, to the powers of halting officers, to the definition of magistrates, to the duties of magistrates, to the penalties to be assessed for certain traffic offenses, and to the maximum penalties for violation of city traffic ordinances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) As used in this title:

1. "Halting officer" means a law enforcement officer charged with and acting under his authority to halt and, if appropriate, arrest persons suspected or known to be violating statutes or ordinances regulating the operation or equipment of vehicles, or the regulation of traffic.
2. "Licensing authority" means the state agency authorized to issue operators' licenses.
3. "Point" or "points" refers to the number of demerits assigned to particular types of traffic violations, the accumulation of which will, at a stated level,

result in suspension of the offender's operator's license.

4. "Adjudication" and "admission" as used in this Act shall mean an official determination, in the manner provided by law, that a traffic violation has been committed by a named driver.

SECTION 2.) Any person cited for a traffic violation under state law or municipal ordinance, other than an offense listed in section 5 of this Act, shall be deemed to be charged with a non-criminal offense and may appear before the designated official and pay the statutory fee for the violation charged at or prior to the time scheduled for a hearing, or, if he has posted bond in person or by mail, he may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, he may make a statement in explanation of his action, and the official may at that time, in his discretion, waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the official designated in the citation shall be identical to the statutory fee established by section 6 of this Act. Within ten days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority:

1. Admission of the violation;
2. In speeding violations, whether the speed charged was in excess of the lawful speed limit by more than fifteen miles per hour; and
3. Whether the person contributed materially to a traffic accident.

This section shall not be construed as allowing a halting officer to receive the statutory fee or bond, unless he is otherwise authorized by law to do so.

SECTION 3.)

1. If a person cited for a traffic violation, other than an offense listed in section 5 of this Act, does not choose to follow one of the procedures set forth in section 2 of this Act, he may request a hearing on the issue of his commission of the violation charged, such hearing to be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance.
2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the official having jurisdiction the sum

of fifteen dollars as a prepayment of all the costs of the hearing. The requirement of prepayment of costs need not be met if the official determines that the person is unable to make such prepayment without undue hardship. If, upon the hearing, the person charged is found not to have committed the violation, the fifteen-dollar deposit shall be returned. If the person is found to have committed the violation, or fails to appear at the hearing without just cause, the deposit shall be retained and deposited with the treasurer of the county or city, as the case may be. The sum deposited pursuant to this section shall be in addition to any bond given by the person charged, and shall also be in addition to any statutory fee paid by that person upon a finding that he committed the violation.

3. If the official finds that the person had committed the traffic violation, he shall notify the licensing authority of that fact, whether the person was driving more than fifteen miles per hour in excess of the lawful limit if charged with a speeding violation, and whether the person contributed materially to a traffic accident, within ten days of the date of the hearing. The fact that a person has admitted a violation, or has, in any proceeding, been found to have committed a violation, shall not be referred to in any way, nor be admissible as evidence in any court, civil, equity, or criminal, except an action or proceeding involving that person's driving license or privilege.
4.
 - a. If a person is aggrieved by a finding that he committed the violation, he may, without payment of a filing fee, appeal that finding to the district court for trial anew, and the case may be tried to a jury, if requested. If, after trial in the district court, the person is again found to have committed the violation, there shall be no further appeal. An appeal taken under this subsection shall not operate to stay the reporting requirement of subsection 3 of this section, nor to stay appropriate action by the licensing authority upon receipt of that report.
 - b. The district court, upon application by the appellant, may:
 - (1) Order a stay of any action by the licensing authority during pendency of the appeal, but not to exceed a period of one hundred twenty days;
 - (2) Order a stay and that the appellant be issued a temporary restricted driving certificate by the licensing authority to be effective for no more than one

hundred twenty days; or

- (3) Deny the application.

An application for a stay or temporary certificate under this paragraph shall be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the licensing authority may charge a fee of fifty cents. Any order granting a stay or a temporary certificate shall be forwarded forthwith by the clerk of court to the licensing authority, which shall issue a temporary certificate in accordance with the order in the manner provided by law. A court shall not make a determination on an application under this paragraph without notice to the appropriate prosecuting attorney.

- c. If the person charged is found not to have committed the violation by the district court or the jury, the clerk of court shall report that fact to the licensing authority immediately. If an appeal under this subsection is from a violation of a city ordinance, the city attorney for the city wherein the alleged violation occurred shall prosecute the appeal. In all other cases, the appropriate state's attorney shall prosecute the appeal.
5. The state or the city, as the case may be, must prove the commission of a charged violation at the hearing or appeal under this section by a fair preponderance of the evidence. Upon an appeal under subsection 4, the court and parties shall follow, to the extent applicable, the North Dakota rules of civil procedure. If on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.
6. As used in sections 2, 3, and 4 of this Act, the word "official" means a district judge, a judge of a county court with increased jurisdiction, a county justice, a municipal judge, or, when provided by statute, a person appointed by a district judge to serve as such official for all or a specified part of a judicial district.

SECTION 4.) If a person fails to choose one of the methods of proceeding set forth in sections 2 or 3, he shall be deemed to have admitted to commission of the violation charged, and the official having jurisdiction shall report such fact to the licensing authority within ten days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond shall be a misdemeanor.

SECTION 5.) The procedures authorized under sections 2 and 3 of this Act may not be utilized by a person charged with one of the following offenses:

1. Driving while under the influence of a narcotic drug or intoxicating liquor in violation of section 39-08-01, or an equivalent ordinance.
2. Operating while an habitual user of narcotic drugs in violation of section 39-08-01, or an equivalent ordinance.
3. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
4. Negligent homicide in violation of section 12-27-35.
5. Manslaughter resulting from the operation of a motor vehicle.
6. Leaving the scene of an accident in violation of sections 39-08-04 or 39-08-05, or equivalent ordinances.
7. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
8. Violating subdivisions b or c of subsection 5 of section 39-24-09.

SECTION 6.) The fees required for a noncriminal disposition pursuant to either section 2 or section 3 of this Act shall be as follows:

1. For a nonmoving violation as defined in section 8, a fee in the amount of ten dollars.
2. For a moving violation as defined in section 9, a fee in the amount of twenty dollars.
3. For a violation of section 39-09-02, or an equivalent ordinance, involving a speed of more than fifteen miles per hour in excess of the lawful speed limit, a fee in the amount of forty dollars.
4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee in the amount of thirty dollars.

SECTION 7.) The licensing authority shall prepare a notification form to be appended to the form of the uniform traffic summons and complaint as provided in section 29-05-31. The

notification form shall contain language, approved by the attorney general, informing persons charged with traffic violations, other than offenses listed in section 5, of the procedures available to them under sections 2 and 3, and such notification shall contain a schedule of points to be charged, including additional points assigned for contributing materially to an accident, against a person's driving record as provided by law.

SECTION 8.) For the purposes of section 6 of this Act, a "nonmoving violation" shall mean:

1. A violation of sections 39-04-11, 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of sections 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

SECTION 9.) For the purposes of section 6 of this Act, a "moving violation" shall mean a violation of section 39-09-02, or an equivalent ordinance, involving speeds of fifteen miles per hour or less in excess of the lawful speed limit; or a violation of section 39-04-22; subsection 1 of section 39-04-37; sections 39-05-12; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; 39-09-05; 39-09-09; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapters 39-10 ("general rules of the road") or 39-21 ("equipment of vehicles"), or equivalent ordinances, except those sections within those chapters which are specifically listed in subsection 1 of section 8 of this Act.

SECTION 10.)

1. When a report of a conviction of a traffic offense, or admission or adjudication of a traffic violation is received by the licensing authority, the licensing authority shall proceed to enter the proper number of points on the licensee's driving record. When the driving record shows that the licensee has an accumulated point total of twelve or more points, assigned on the basis of the schedule contained in subsection 3 of this section, the authority shall notify the licensee of its intention to suspend his operator's license, and shall notify him that he may have an administrative hearing. If the licensee makes a written request for a hearing within ten days after mailing of the notice herein provided for, the hearing shall be held in accordance with the applicable provisions of chapter 28-32. For the purposes

of this Act, the licensing authority may also receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

2. If the licensing authority confirms, after hearing or opportunity for hearing, that the licensee's driving record has an accumulated point total of twelve or more points, the licensing authority shall suspend his operator's license according to the following schedule:

ACCUMULATED POINT TOTAL: PERIOD OF SUSPENSION:

- | | |
|-----------------------|-----------------------------------|
| a. Twelve | 7 days |
| b. Thirteen and above | 7 days for each point over twelve |

Surrender and return of licenses suspended pursuant to this section shall be governed by the provisions of section 39-06-37. If a licensee's accumulated point total is caused to exceed eleven points due to a violation involving the height, width, or weight of a vehicle, the license of that operator shall not be suspended unless the violation shall have contributed to a vehicular accident. The points assigned due to a violation of the type mentioned in the last sentence shall be stricken from the licensee's driving record after three additional months without record of a violation.

3. Points shall be assigned and accumulated on the basis of the following schedule:

a. NONCRIMINAL VIOLATIONS

<u>NONCRIMINAL ADJUDICATION OR ADMISSION OF:</u>	<u>POINTS ASSIGNED:</u>
(1) Overtime and double parking in violation of city ordinances	0 points
(2) Failure to display license plates	1 point
(3) Permitting unauthorized minor to drive	2 points
(4) Permitting unauthorized person to drive	2 points
(5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47	2 points

<u>NONCRIMINAL ADJUDICATION OR ADMISSION OF:</u>	<u>POINTS ASSIGNED:</u>
(6) Unlawful parking in specified prohibited places	1 point
(7) Leaving motor vehicle improperly unattended on an open highway	1 point
(8) Opening or leaving motor vehicle doors open when unsafe to do so	1 point
(9) Knowingly operating without required reflectors or clearance lamps	2 points
(10) Knowingly operating with improperly mounted reflectors or clearance lamps	1 point
(11) Knowingly operating with improper reflectors, clearance lamps, or marker lamps	1 point
(12) Knowingly having improper lighting on a vehicle parked on an open highway at night	2 points
(13) A violation of section 39-09-02, or equivalent ordinance, where the charge is speeding from ten to fifteen miles per hour in excess of the lawful speed limit	3 points
(14) Careless driving in violation of section 39-09-01, or equivalent ordinance	6 points
(15) A violation of section 39-09-02, or equivalent ordinance, where charge is speeding more than fifteen miles per hour above the lawful limit	6 points
(16) Violating or exceeding restrictions contained in a restricted license issued pursuant to section 3 of this Act, or section 39-06-17	12 points

NONCRIMINAL ADJUDICATION
OR ADMISSION OF:

POINTS ASSIGNED:

- | | |
|---|-----------|
| (17) Fleeing in motor vehicle from law enforcement officers in motor vehicle when such action constitutes a specific offense under statute or ordinance | 10 points |
| (18) Racing motor vehicles when such action constitutes a specific offense under statute or ordinance | 10 points |

b. CRIMINAL VIOLATIONS

CONVICTION OF:

POINTS ASSIGNED:

- | | |
|---|-----------|
| (1) Reckless driving, in violation of section 39-08-03, or equivalent ordinance | 8 points |
| (2) Aggravated reckless driving, in violation of section 39-08-03, or equivalent ordinance | 12 points |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, or equivalent ordinance | 14 points |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance | 18 points |
| (5) Driving while under the influence in violation of section 39-08-01, or equivalent ordinance | 15 points |
| (6) Driving while an habitual user of narcotic drugs in violation of section 39-08-01, or equivalent ordinance | 15 points |

4. If judicial disposition of a traffic violation includes an order or recommendation of suspension or revocation of an operator's license, such suspension or revocation shall run concurrently with any suspension ordered pursuant to this section.
5. A suspension period shall not be deemed to have commenced until the operator's license suspended is delivered to the licensing authority. Proper deposit in the mails shall be constructive delivery under this subsection.

SECTION 11.) When the licensing authority has suspended a license, pursuant to section 10 of this Act, for a period in excess of seven days, the authority may, for good cause, upon receiving written application from the licensee affected, issue a temporary restricted operator's license valid, after seven days of the suspension period have passed, for the remainder of the suspension period. The restricted license may authorize the use of a motor vehicle only during the licensee's normal working hours, or may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section shall be deemed a violation of section 39-06-17.

SECTION 12.) When a licensee completes a period of suspension ordered pursuant to section 10 or as ordered or recommended by a court of competent jurisdiction, the licensing authority shall reduce the point total shown on his driving record to eleven points. Thereafter, suspension shall be ordered when that licensee's point total again reaches twelve or more points.

SECTION 13.)

1. The licensing authority shall reduce the point total shown on any licensee's driving record by one point for each three-month period during which no points are recorded against his driving record for a moving violation or a violation listed in paragraphs 13 through 18 of subdivision a of subsection 3 of section 10 of this Act. The three-month period shall be calculated from the date of entry of the last points against that licensee's driving record.
2. The point total shown on a licensee's driving record shall be reduced by one point when the licensee mails or delivers a certificate to the licensing authority indicating successful completion of each eight hours of instruction in a driver training course approved by the licensing authority. Successful completion of eight or more hours of instruction shall be certified to by the instructor or instructors of the driver training course. The reduction in points authorized by this subsection shall only be from a point total accumulated prior to completion of the

necessary hours of driver training instruction, and shall not exceed eight points during any three-year period commencing on the date of entry of the last points against the person's driving record.

- 3. The point total shown on a licensee's driving record shall be reduced by seven points for successful completion of an alcoholism or narcotics treatment program approved by the state department of health. No reduction of points shall be made under this subsection, unless the licensee's driving record included, at the time of suspension, points assigned for violation of section 39-08-01, or an equivalent ordinance.

SECTION 14. AMENDMENT.) Subsection 3 of section 29-01-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * 3. As limited by law directing the place of exercising their jurisdiction and authority, county justices, municipal judges, and, when authorized by law, the judges of the county courts, including those with increased jurisdiction, each with authority to act as magistrate throughout the county or the city for which he is elected or appointed.

SECTION 15. AMENDMENT.) Section 29-05-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-05-31. UNIFORM TRAFFIC COMPLAINT AND SUMMONS.) There is hereby established a uniform complaint and summons which may be used in cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles. Whenever the complaint and summons established by this section is used, the provisions of section 29-05-04 relating to arrests without warrants shall not apply, and the magistrates or state's attorneys shall not be required to make another complaint of the offense charged in the uniform complaint and summons. The uniform complaint and summons established herein shall be in substantially the following form:

State of North Dakota) In _____ Court,
) ss
 County of _____) Before Hon. _____;

The undersigned, being duly sworn, upon his oath deposes and says that, on the _____ day of _____ 19__

First Name Middle Name Last Name Street City State
 did unlawfully operate a motor vehicle upon a public highway,
 namely _____, _____ N E S W of
 Location

*NOTE: Subsection 3 of section 29-01-14 was also amended by section 1 of Senate Bill No. 2197, chapter 251.

_____ and did then and there commit the following
City _____

offense: _____

MPH in _____

MPH Zone _____

All in violation of Sec. _____ of the N.D. Century Code
as amended and against the peace and dignity of the state of N.D.

Officer _____ LET A WARRANT ISSUE HEREIN Sworn
to and subscribed before me this _____ day of

_____ 19 ____.

_____ Judge _____ State's Attorney

DESCRIPTION OF DEFENDANT AND VEHICLE

Mo. ____ Day ____ Yr. ____ Race ____ Sex ____ Wt. ____ Ht. ____

Birth date

Hair ____ Dr. Lic: State _____ No. _____ Motor Vehicle:

PSC

Make ____ Reg. No. ____ State ____ Year ____ ICC No. _____

CLAIMED CONDITIONS OF THE VIOLATION

SLIPPERY SURFACE -

_____ Rain _____ Snow _____ Ice

DARKNESS -

_____ Night _____ Fog _____ Snow

OTHER TRAFFIC PRESENT -

_____ Cross _____ Oncoming _____ Pedestrian

_____ Same direction

IN ACCIDENT -

_____ Ped. _____ Vehicle _____ Intersection
 _____ Right angle _____ Head on _____ Rear end
 _____ Ran off road _____ Other

Area: _____ School _____ Rural _____ Business
 _____ Industrial _____ Residential

Highway: _____ 2 Lane _____ 4 Lane _____ 4 Lane Divided
 Type _____ Gravel _____ Dirt

OFFENSE CONTRIBUTED MATERIALLY TO ACCIDENT -

_____ Yes _____ No

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT

You are hereby summoned to appear at the time and place designated below to answer to the charge above indicated to be made against you _____

Appearance

Before: Municipal Judge - County Justice - County Ct. A.M.

_____ P.M.
 Location Month Day Year Time
 Dated this _____ day of _____ 19 _____

PROMISE TO APPEAR Officer _____

I hereby consent and promise to appear at the time and place specified in the above summons, the receipt of a copy of which is hereby acknowledged, and I expressly waive earlier hearing.

Dated this _____ day of _____ 19 _____

Defendant _____

SECTION 16.) Section 29-27-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

29-27-02.1. DISPOSITION OF STATUTORY FEES, FINES, FORFEITURES, PECUNIARY PENALTIES, AND BOND FORFEITURES.) All statutory fees, fines, forfeitures, and pecuniary penalties prescribed for a violation of state laws, when collected, shall be paid into the treasury of the proper county to be added to the state school fund. When any bail bond or other property or money deposited as bail is forfeited to the state, the proceeds collected therefrom shall be paid over to the treasurer of the county whose officers originally instituted the action and credited to the general fund of the county. In the event that the attorney general of the state of North Dakota originally instituted the action, the bail bond, money, or other property forfeited shall be paid over to the proper state official and credited to the state school fund.

SECTION 17. AMENDMENT.) Section 39-05-12 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 39-05-12. REGISTRATION CARD TO BE CARRIED IN OR ON VEHICLE - INSPECTION OF CARD - PENALTY.) The registration card issued for a vehicle shall be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or a trailer or semitrailer, regardless of when such vehicle was acquired, inside or on such vehicle, at all times while the vehicle is being operated upon a highway in this state. Such card shall be subject to inspection by any peace officer or highway patrolman. Any person violating any of the provisions of this section shall be assessed a fee of twenty dollars, provided that a person cited for violation of this section shall not be found to have committed a violation if he shall, within forty-eight hours after being cited, produce and display to a peace officer or highway patrolman, or to the hearing official before whom the person was to appear, a registration card valid at the time the person was cited. A peace officer or highway patrolman receiving evidence of the existence of a valid registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

SECTION 18. AMENDMENT.) Subsections 2 and 9 of section 39-06-03 of the 1971 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. To any person whose license has been suspended in this state or in any other state during such suspension, except as provided in section 3 or section 11 of this Act, nor to any person whose license has been revoked, except as provided in sections 39-06-35 and 39-06-36;
9. To any person who has been convicted four times of a misdemeanor 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.

*NOTE: Section 39-05-12 was repealed by section 2 of Senate Bill No. 2128, chapter 295.

SECTION 19. AMENDMENT.) Subsection 1 of section 39-06-17 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 11 of this Act, 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.

SECTION 20. AMENDMENT.) Section 39-06-31 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-31. MANDATORY REVOCATION OF LICENSES.) The commissioner shall revoke forthwith the license of any operator upon receiving a record of such operator's conviction of any of the following offenses:

1. Manslaughter or negligent homicide resulting from operation of a motor vehicle;
2. Any felony in the commission of which a motor vehicle is used; or
3. The making of a false affidavit or statement under oath to the commissioner under this chapter or under any other law relating to the ownership or operation of motor vehicles.

SECTION 21. AMENDMENT.) Section 39-06-32 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-32. AUTHORITY TO SUSPEND LICENSES.) The commissioner may suspend the license of an operator, after hearing, upon proof by a fair preponderance of the evidence, that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Is incompetent to drive a motor vehicle;
3. Has permitted an unlawful or fraudulent use of his license; or
4. Has committed an offense in another state which if committed in this state would be grounds for revocation.

SECTION 22. AMENDMENT.) Section 39-07-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-09. OFFENSES UNDER WHICH PERSON HALTED MAY NOT BE ENTITLED TO RELEASE UPON PROMISE TO APPEAR.) The provisions of section 39-07-07 shall not apply to a person if:

1. The halting officer shall have good reason to believe such person guilty of any felony or when such person is halted and charged with any of the offenses listed in section 5 of this Act, except reckless driving; or
2. The halting officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear when halted and charged with either of the following offenses:
 - a. Reckless driving; or
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.

The halting officer forthwith shall take any person not released upon his promise to appear before the nearest or most accessible magistrate.

SECTION 23. AMENDMENT.) Section 39-07-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-11. MAGISTRATES TO KEEP RECORD OF CONVICTIONS OF TRAFFIC VIOLATIONS - RECORDS OF CONVICTION TO BE FORWARDED TO LICENSING AUTHORITY.) Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before him in which a person is charged with a violation of section 12-27-35 or of any provision of chapters 39-05 through 39-13, and chapters 39-21 and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a determination, in any manner provided by law, that a person charged has committed one of the foregoing offenses or violations, the magistrate shall forward a certification of that fact to the licensing authority.

SECTION 24. AMENDMENT.) Section 39-08-18 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-18. OPEN BOTTLE LAW - PENALTY.) No person shall drink or consume alcoholic beverages, as defined in the North Dakota Century Code, in or on any motor vehicle when such vehicle is upon a public highway or in an area used principally for public parking. No person shall have in his possession on his person while in or on a private motor vehicle upon a public

highway or in an area used principally for public parking, any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. Any person violating the provisions of this section shall be assessed a fee of twenty dollars; however, the licensing authority shall not record the violation against the driving record of such person unless he was the driver of the automobile at the time that the violation occurred.

SECTION 25. AMENDMENT.) Section 39-09-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-01. CARE REQUIRED IN OPERATING VEHICLE.) Any person driving a vehicle upon a highway shall drive the same in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person shall drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person. Any person who shall drive a vehicle upon a highway without heed to the requirements or restrictions of this section shall have committed careless driving, and shall be assessed a fee of thirty dollars.

SECTION 26. AMENDMENT.) Section 39-10-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-31. PROTECTION OF BLIND OR INCAPACITATED PEDESTRIANS.) No person on any public street or highway, unless such person is totally or partially blind, or is otherwise incapacitated, shall carry in a raised or extended position, any cane or walking stick which is white in color, or white tipped with red.

Whenever any pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog, or carrying in a raised or extended position a cane or walking stick which is white in color, or white tipped with red, the driver of every vehicle approaching the intersection, or other place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be

necessary to avoid injuring such pedestrian.

Nothing contained in this chapter shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick, or not being guided by a dog, of any of the rights or privileges conferred by law upon pedestrians, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways, or sidewalks of this state, be held to constitute or be evidence of contributory negligence.

Any person violating any of the provisions of this section shall be assessed a fee of twenty dollars.

SECTION 27. AMENDMENT.) Section 39-12-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-08. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of sections 39-12-04, 39-12-05, 39-12-06, or 39-12-09 shall be assessed a fee of twenty dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, shall be assessed a fee of ten dollars.

SECTION 28. AMENDMENT.) Section 39-12-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-09. UNLAWFUL TO VIOLATE PROVISIONS GOVERNING SIZE, WEIGHT, OR CONSTRUCTION OF VEHICLES - SIZE AND WEIGHT SPECIFIED IN THIS CHAPTER LAWFUL THROUGH STATE - PENALTY.) It shall be unlawful for any person to drive or move, or for the owner to cause or knowingly to permit to be driven or moved, on any highway, any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, or any vehicle or vehicles which are not constructed as required in this chapter nor according to the rules and regulations of the registrar adopted pursuant to the provisions of this chapter. The maximum size and weight of vehicles specified in this chapter shall be lawful throughout this state, except as they may be limited by virtue of specifications made pursuant to the other provisions of this chapter. Any person who violates any of the provisions of this section shall be assessed a fee of twenty dollars.

SECTION 29. AMENDMENT.) Subsection 2 of section 39-16.1-07 of the 1971 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, driving while under the influence in violation of section 39-08-01 or equivalent

ordinance, or operating a motor vehicle upon the highway while his license or privilege to drive is under suspension, revocation, or cancellation, such license or driving privilege shall remain suspended, revoked, or canceled and shall not at any time thereafter be renewed, nor shall any license be thereafter issued or returned to such person, unless and until he shall give and thereafter maintain proof of financial responsibility.

SECTION 30. AMENDMENT.) Subsection 1 of section 39-21-46 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-46. SCOPE AND EFFECT OF REGULATIONS - PENALTY.)

1. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which he knows to be in such unsafe condition as to endanger any person, or which he knows does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which he knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter. Any person who violates any of the provisions of sections 39-21-08, 39-21-09, 39-21-10, or 39-21-14 shall be assessed a fee of ten dollars. Any person who, in violation of the provisions of this chapter, drives, or any owner who causes or knowingly permits to be driven upon a highway, any vehicle or combination of vehicles which he knows is unsafe or improperly equipped shall be assessed a fee of twenty dollars.

SECTION 31. AMENDMENT.) Section 39-21-50 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-50. SLOW-MOVING VEHICLES REQUIRED TO DISPLAY IDENTIFICATION EMBLEM - PENALTY.) All implements of husbandry, as defined in section 39-01-01, 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. Any person who fails or refuses to comply with the provisions of this section shall be assessed a fee of twenty dollars for each offense.

SECTION 32. AMENDMENT.) Section 39-24-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-11. PENALTIES.) Any person who shall violate subdivision b or subdivision c of subsection 5 of section 39-24-09 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 by both such fine and imprisonment. Any person who violates any other provision of section 39-24-09 shall be assessed a fee of twenty dollars. Any person who violates any other provision of this chapter for which a specific penalty is not provided shall be assessed a fee of ten dollars.

SECTION 33. AMENDMENT.) Section 40-05-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-05-06. CITY FINES AND PENALTIES LIMITED.)

1. Except as provided for in subsection 2, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city shall not exceed five hundred dollars, and the imprisonment shall not exceed thirty days for one offense.
2. For every violation of a city ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except those ordinances listed in section 5 of this Act, a fee may be established, by ordinance, which shall not exceed the limits, for equivalent categories of violations, set forth in section 6 of this Act.

Approved March 27, 1973

CHAPTER 302

HOUSE BILL NO. 1136
(LaGrave)

DIAGNOSIS AND TREATMENT
OF PERSONS CONVICTED OF DWI

AN ACT to amend and reenact sections 39-08-01 and 40-18-12 of the North Dakota Century Code to provide for the diagnosis, prior to sentencing, and later treatment of persons convicted of driving while under the influence of intoxicating liquor or narcotic drugs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-01. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE VEHICLE - PENALTY - DIAGNOSIS AND TREATMENT.) 1. No person shall drive or be in actual physical control of any vehicle upon a highway in this state if:

- a. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug, or;
- b. He is under the influence of intoxicating liquor.

2. Upon conviction, 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 conviction for a violation occurring within eighteen months of a previous violation resulting in a prior conviction, 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 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.

3. The court may, upon conviction of a person under this

section, but prior to sentencing, refer him to an approved treatment facility for diagnosis. Upon receipt of the results of this diagnosis, the court may impose a sentence as prescribed in this section or it may sentence the person to treatment in a facility approved by the state division of alcoholism and drug abuse.

SECTION 2. AMENDMENT.) Section 40-18-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-12. COMMITMENT FOR VIOLATION OF CITY ORDINANCE - LIMITATION - LABOR IN LIEU OF FINE - DIAGNOSIS AND TREATMENT OF PERSONS CONVICTED WHILE DRIVING UNDER THE INFLUENCE.) If the defendant is found guilty of the violation of a municipal ordinance and is committed as is provided in section 40-11-12, the term of his imprisonment shall not exceed thirty days for any one offense. The governing body may provide by ordinance that each person so committed shall be required to work for the municipality at such labor as his strength will permit, not exceeding ten hours in each working day, and for such work the person so imprisoned shall be allowed for each day, exclusive of his board, five dollars on account of the fines and costs assessed against him. If a person is convicted under an ordinance prohibiting driving while under the influence of an intoxicating liquor or a narcotic drug, the court may, prior to sentencing, refer the person to an approved treatment facility for diagnosis. Upon receipt of the results of this diagnosis, the court may impose a sentence as prescribed by the city's ordinances or it may sentence the person to treatment in a facility approved by the state division of alcoholism and drug abuse.

Approved March 10, 1973

CHAPTER 303

SENATE BILL NO. 2182
(Kautzmann, Stroup, Jacobson)

HARASSING DOMESTIC ANIMALS

AN ACT to provide penalties for harassing or willfully frightening domestic animals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. PENALTY FOR HARASSMENT OF DOMESTIC ANIMALS.)
Any person operating a motorcycle, snowmobile, or other motor vehicle as defined in subsection 32 of section 39-01-01 who harasses or willfully frightens any domestic animal, shall, upon conviction, be guilty of a misdemeanor and fined not more than five hundred dollars or thirty days in jail, or both such fine and imprisonment. If injury or death results to the animal due to such action, such person shall be liable for the value of the animal and exemplary damages as provided in section 36-21-13.

Approved March 9, 1973

CHAPTER 304

HOUSE BILL NO. 1075
(Hilleboe)

RIGHT TURN ON RED AFTER STOPPING

AN ACT to amend and reenact subsection 3 of section 39-10-05 of the North Dakota Century Code, relating to right turns on red signals after stopping.

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 3 b;
 - b. Vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection 3 a unless a sign is in place prohibiting such turn. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
 - 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.

Approved February 6, 1973

CHAPTER 305

SENATE BILL NO. 2203
(Butler)

VEHICLE WIDTH LIMITATIONS

AN ACT to amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to movement of certain vehicles on the highways of this state and setting limitations.

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 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:
 - a. Passenger buses not exceeding one hundred two inches while operated on those highways designated by the highway commissioner.
 - b. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed ten feet in width when being moved by contractors.
 - c. Implements of husbandry being moved by resident farmers, ranchers, or dealers between sunrise and sunset.
 - d. Hay in the stack being moved along the extreme right edge of a roadway between sunrise and sunset by someone other than a commercial mover, provided that the highway commissioner or local authorities may adopt reasonable rules and regulations governing such movements.
 - e. Commercial haystack movers who have a seasonal permit to move haystacks or hay bales, which shall be obtained from the highway commissioner upon filing proof of liability insurance coverage in an amount of not less than fifty thousand dollars and the payment of a permit fee of fifteen dollars, which shall be in lieu of

*NOTE: Subsection 1 of section 39-12-04 was also amended by section 1 of Senate Bill No. 2203, chapter 306.

registration requirements during the period covered by such permit.

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 28, 1973

CHAPTER 306

SENATE BILL NO. 2233
(Thane, Strinden, Mutch, Pyle)

EXCEPTION TO WIDTH LIMIT
FOR FERTILIZER SPREADERS

AN ACT to amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to the exemption of self-propelled fertilizer spreaders from width limitations on vehicles.

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 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 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

*NOTE: Subsection 1 of section 39-12-04 was also amended by section 1 of Senate Bill No. 2203, chapter 305.

be in lieu of registration requirements while such vehicle is used for haystack moving only. In addition, this limitation shall not apply to an over-width self-propelled fertilizer spreader if the owner first obtains a seasonal permit with such restrictions as required by the commissioner for a fee of fifteen dollars. An applicant for one of the seasonal permits provided for in this subsection shall file 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 over-width, slow-moving vehicle.

Approved March 19, 1973

CHAPTER 307

HOUSE BILL NO. 1169
(Gackle, Hildebrand, Mertens, Lundene, Berg)

WIDTH LIMITATIONS ON DESIGNATED HIGHWAYS

AN ACT to amend and reenact subsection 7 of section 39-12-04 of the North Dakota Century Code, to permit the use of wider vehicles on highways designated by the highway commissioner.

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 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 including the load thereon, exceeding sixty feet in length but not exceeding sixty-five feet in length, as well as vehicles exceeding ninety-six inches in width, 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.

Approved March 3, 1973

CHAPTER 308

SENATE BILL NO. 2042
(Erdman)
(From Legislative Council Study)

DRIVING RECORDS AND ACCIDENT REPORTS

AN ACT to amend and reenact sections 39-16-03 and 39-16-03.1 of the North Dakota Century Code, relating to abstracts of operating records and accident reports.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-16-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-03. ABSTRACTS - ACCIDENT REPORTS - FEE-NOT ADMISSIBLE IN EVIDENCE.) The commissioner upon request shall furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter which shall include only the convictions of traffic offenses of such person and suspensions, revocations, and restrictions of his driving privileges.

The commissioner upon request shall in addition furnish any person a copy of that portion of an officer's accident report which does not disclose the opinion of the reporting officer, when the report shows that death, personal injury, or property damage of two hundred dollars or more resulted from such accident.

Copies of accident reports and abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

A fee of two dollars shall be paid for each abstract of any operating record or copy of accident report and the commissioner shall send an additional copy of the abstract or accident report to the driver whose abstract or accident report was requested, accompanied by a statement identifying the person making the request, provided that no abstract or statement shall be sent to a driver where the request for his abstract was made by the federal bureau of investigation or the United States central intelligence agency, or their agents, or by any law enforcement agency of this state, or of its political subdivisions.

SECTION 2. AMENDMENT.) Section 39-16-03.1 of the 1971 Supplement to the North Dakota Century Code is hereby amended and

reenacted to read as follows:

39-16-03.1. ENTRIES ON DRIVER RECORD ABSTRACTS MORE THAN THREE YEARS OLD CONFIDENTIAL.) Notwithstanding any other provisions of this chapter, no entry more than three years old on a driver record or abstract shall be available to the public, except for statistical purposes, other than by order of a court of competent jurisdiction.

Approved March 21, 1973

CHAPTER 309

HOUSE BILL NO. 1217
(Garnas)SUSPENSION OF LICENSE UNDER
FINANCIAL RESPONSIBILITY LAW

AN ACT to amend and reenact sections 39-16-05 and 39-16-07 of the North Dakota Century Code, relating to the suspension of the driver license of a driver of a motor vehicle involved in an accident and who has no means of financial responsibility.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-16-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-05. SUSPENSION OF LICENSE AND WHEN NOT APPLICABLE.) The commissioner, within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of two hundred dollars, shall suspend the license of each driver of each vehicle in any manner involved in such accident, and if such driver is a nonresident, the commissioner shall suspend the driver's privilege of operating a motor vehicle within this state unless such driver shall deposit security as provided in section 39-16-09 and 39-16-10 in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such driver; provided notice of such suspension and opportunity for hearing shall be sent by the commissioner to such driver not less than ten days prior to the effective date of such suspension and shall state the amount required as security. However, if a driver either resident or nonresident, involved in such accident purchases a policy of insurance with at least the amount of coverage required by this section and files proof, and satisfies financial responsibility requirements thereof with the commissioner, that driver shall be allowed to retain his license or privilege until such time as the driver has accepted responsibility for the accident or agreed to a settlement of claims arising from the accident or until a court of this state has determined that the driver was negligent or responsible for the accident in whole or in part. If the driver is found negligent or responsible for the accident, in whole or in part, his license or privilege shall be suspended and shall not be returned until the driver complies

with the provisions of this chapter. This section shall not apply under the conditions stated in section 39-16-06 or:

1. To a driver, if he is the owner of the motor vehicle involved in the accident and had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident, affording substantially the same coverage as is required for proof of financial responsibility under chapter 39-16.1.
2. To a driver, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicle, affording substantially the same coverage as required for proof of financial responsibility under chapter 39-16.1.
3. To a driver if the liability of such driver for damages resulting from such accident is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond or certificate of self-insurance under section 39-16-32.

No such policy or bond shall be effective under this section unless by an insurance carrier or surety company authorized to do business in this state, except that if such motor vehicle was not registered in the state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance carrier or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the commissioner to accept service, on its behalf, of notice or process in any action upon such policy or bond arising out of such accident; provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ten thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property to a limit of not less than five thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of notice of such accident, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident, or the department may rely upon the accuracy of the information and the required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

SECTION 2. AMENDMENT.) Section 39-16-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-07. RELEASE FROM SUSPENSION OF LICENSE.) The license or nonresident's operating privilege suspended as provided in section 39-16-05 shall remain so suspended and shall not be renewed nor shall any such license be issued to such person until:

1. Such person shall deposit or there shall be deposited on his behalf the security required under section 39-16-05;
2. One year shall have elapsed following the date of such accident and no evidence satisfactory to the commissioner has been filed with him that during such period an action for damages arising out of such accident has been instituted; or
3. Evidence satisfactory to the commissioner has been filed with him of a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with subsection 3 of section 39-16-06; provided, in the event there shall be any default in the payment of any installment under any confession of judgment, then upon notice of such default, the commissioner shall forthwith suspend the license or nonresident's operating privilege of such persons defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided further, that in the event there shall be any default on the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the commissioner shall forthwith suspend the license or nonresident's operating privilege of such person defaulting which shall not be restored unless and until such person deposits and thereafter maintains security as required under section 39-16-05 in such amount as the commissioner may then determine, or one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

Approved March 27, 1973

CHAPTER 310

SENATE BILL NO. 2162
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

LICENSING OF MOBILE HOME DEALERS

AN ACT to amend and reenact section 39-18-01 of the North Dakota Century Code, relating to licensing of mobile home dealers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-18-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-01. MOBILE HOME DEALERS' LICENSES - FEES - DEALERS' PLATES.) No person, firm or corporation shall sell or distribute mobile homes within the state of North Dakota unless he shall first have been licensed so to do by the motor vehicle department as herein provided.

Application for dealer's license and renewal license shall be made to the motor vehicle department, on such forms as the department shall prescribe and furnish, and such application shall be accompanied by an annual fee of twenty-five dollars. Such dealer's license shall expire on December thirty-first of each year, and application for renewal of such dealer's license shall be made on or before the expiration of the current dealer's license.

A mobile home dealer's license shall be issued only to persons whose character, fitness and financial ability, in the opinion of the motor vehicle registrar, are such as to justify the belief that such applicant can and will deal and serve the buying public fairly and honestly, will maintain a permanent office and place of business, and an adequate service department, during the licensing year, and will abide by all the provisions of law pertaining to mobile home dealers, and will obey the lawful orders of the motor vehicle registrar.

In addition, the dealer shall maintain his business records in one central location.

Upon the payment of a fee of five dollars, the motor vehicle department shall register and issue dealer's license plates for mobile homes owned by the licensed dealer, and such mobile homes bearing such dealer's license plates may be lawfully operated upon

the public highways of the state of North Dakota by such dealer, his agents and servants, during the year of such registration. Such dealer's license plates shall expire on December thirty-first of each year.

The term "mobile home" as used in this chapter shall include and shall have the same meaning as "house trailer", and both terms shall have the meaning prescribed in subsection 68 of section 39-01-01.

Any mobile home dealer licensed under the provisions of this section may sell motor powered mobile homes without being licensed under the provisions of chapter 39-22.

Approved March 8, 1973

CHAPTER 311

SENATE BILL NO. 2163
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

REGISTRATION PERIOD FOR MOBILE HOMES

AN ACT to amend and reenact section 39-18-03 of the North Dakota Century Code, relating to the registration period for mobile homes, house trailers and travel trailers, 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 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.) Every person other than a dealer who acquires a travel trailer, house trailer, or mobile home shall within thirty 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 driveway transporter duly registered and licensed under the laws of this state, no person shall haul a mobile home, house trailer, or travel trailer 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 thirteen feet, five dollars.
2. Where the length is thirteen feet or more but less than fifteen feet, ten dollars.
3. Where the length is fifteen feet or more but less than twenty feet, fifteen dollars.
4. Where the length is twenty feet or more but less than twenty-four feet, twenty dollars.

5. Where the length is twenty-four feet or more, thirty-five dollars.

Commencing January 1, 1974, the registration required hereunder shall be on a calendar year basis. The registrar shall provide for the prorationing or refunding of registration fees payable prior to January 1, 1974. Initial registrations shall be prorated on a quarterly basis, adjusted to the next dollar, with a minimum fee of three 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 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. 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 10, 1973

CHAPTER 312

HOUSE BILL NO. 1386
(Berg)

FIFTH-WHEEL VEHICLES

AN ACT to amend and reenact section 39-18-04 of the North Dakota Century Code, relating to safety devices and requirements for mobile homes and providing that passengers may ride in "fifth-wheel vehicles".

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-18-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-04. SAFETY DEVICES AND REQUIREMENTS.) Any new mobile home sold in the state of North Dakota and licensed under the provisions of this chapter shall be equipped with combination taillight and stop light controlled and operated from the driver's seat of the propelling vehicle; such mobile home shall further be equipped with brakes approved by the motor vehicle department of the state of North Dakota, designed and capable of bringing to a stop such vehicle and mobile home within a distance of fifty feet when operated at a speed of twenty miles per hour. No person shall drive any mobile home on the highways of this state unless the propelling vehicle shall be able to stop within the distance and in the manner prescribed herein.

Any new mobile home sold in the state of North Dakota and licensed under the provisions of this chapter shall be equipped with a hitch or coupler which will comply with the regulations as established by the interstate commerce commission.

Provided further that no person or persons shall ride in such mobile home while it is being moved upon the highways of this state. Such prohibition shall not apply to fifth-wheel vehicles, which are defined as mobile homes, mounted on single or tandem axles, coupled by a fifth-wheel hitch to and pivoting on a mount located immediately above or in front of the rear axle of a motor vehicle other than a passenger car.

Approved March 14, 1973

CHAPTER 313

HOUSE BILL NO. 1534
(Delayed Bills Committee)
(Atkinson)

RIGHT TO PRE-REVOCATION HEARING

AN ACT to amend and reenact sections 39-20-04, 39-20-05, and 39-20-06 of the North Dakota Century Code, relating to the procedures applicable to the revocation of a driver's license under the implied consent provisions of the chemical test law, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. 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 commissioner 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 the opportunity for a prerevocation hearing and postrevocation review as hereinafter provided.

SECTION 2. AMENDMENT.) Section 39-20-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-05. ADMINISTRATIVE HEARING ON REQUEST.) Prior to issuing an order of revocation or denial under section 39-20-04, the commissioner shall give such person a written notice of intention to revoke or deny and afford him an opportunity for a hearing. If the commissioner receives a written request within ten days, he shall grant such hearing within thirty days. 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 promptly make findings of fact, conclusions, and decision, and give notice thereof, as provided for in section 28-32-13.

SECTION 3. AMENDMENT.) Section 39-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows

39-20-06. JUDICIAL REVIEW.) Any person aggrieved by the decision of the commissioner or his authorized agent may, within thirty days, serve and file a notice of appeal and specifications of error in the district court in the county wherein the alleged events occurred for which he was arrested or in the county in which the administrative hearing was held. It shall be the duty of the court to set the matter for hearing, and the petitioner shall give twenty days' notice thereof to the commissioner. The commissioner shall thereupon stay his decision until the hearing date but in no event for more than sixty days. Within fifteen days after receipt of the notice, the commissioner shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It shall constitute the record on which appeal shall be determined. No additional evidence shall be heard. The court shall affirm the decision of the commissioner or his authorized agent unless it finds the evidence insufficient to warrant the conclusion reached by the commissioner. The court may in its discretion direct that the matter be returned to the commission for rehearing and the presentation of additional evidence.

SECTION 4. 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 24, 1973

CHAPTER 314

HOUSE BILL NO. 1234
(Atkinson, Backlin)

RELEASE OF RESULTS OF BLOOD TESTS

AN ACT to amend and reenact section 39-20-13 of the North Dakota Century Code, relating to the release of the results of examinations of blood specimens by the state toxicologist.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-20-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-13. 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 twenty cc. be withdrawn from the body of the decedent within twenty-four 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 be used only for statistical purposes, except that the results shall be released upon the issuance of a subpoena duces tecum by a court of competent jurisdiction in any civil or criminal action. 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 section 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 section.

Approved March 29, 1973

CHAPTER 315

SENATE BILL NO. 2132
(Mutch, Lee)

CHEMICAL SCREENING TESTS

AN ACT to amend and reenact section 39-20-14 of the North Dakota Century Code, relating to chemical screening tests.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-20-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-14. CHEMICAL SCREENING TESTS.) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to submit to an on site chemical screening test or tests of his breath for the purpose of estimating the alcohol content of his blood upon the request of a law enforcement officer who has reason to believe that such person committed a moving traffic violation. A person shall not be required to submit to a chemical screening test or tests of his breath while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement, or objects to the test or tests on the ground that such would be prejudicial to the proper care or treatment of the patient. In such cases, a blood specimen will be taken from the patient for the purpose of a chemical screening test. The chemical screening test or tests shall be performed by an enforcement officer certified as a chemical test operator by the state toxicologist and according to methods and with devices approved by the state toxicologist. The results of such chemical screening test shall be used only for determining that a chemical test shall be given under the provisions of section 39-20-01, and a result which shows the presence of alcohol shall be additional grounds for a demand that such test be submitted to by such driver. If such person refuses to submit to such chemical screening test or tests, none shall be given; but such refusal shall be sufficient cause to revoke such person's license or permit to drive in the same manner as provided in section 39-20-04, and a hearing as provided in section 39-20-05 and a judicial review as provided in section 39-20-06 shall be available. No provisions of this section shall supersede any provisions of chapter 39-20, nor shall any provision of chapter 39-20 be construed to supersede this section except as provided herein.

Approved March 19, 1973

CHAPTER 316

SENATE BILL NO. 2114
(Hoffner)

ALTERATION OF ODOMETERS

AN ACT to provide that the alteration of odometers or other mileage recorders, hour meters on tachometers or other hour recorders is a misdemeanor, and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. ALTERATION OF ODOMETERS OR OTHER MILEAGE RECORDERS, HOUR METERS ON TACHOMETERS OR OTHER HOUR RECORDERS A MISDEMEANOR.) Any person, firm, corporation, or association altering a motor vehicle odometer or other mileage recorder, hour meter on tachometer or other hour recorder for the purpose of deceiving another, shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding five hundred dollars.

Approved March 8, 1973

CHAPTER 317

HOUSE BILL NO. 1187
(Committee on Transportation)
(At the request of the Motor Vehicle Registrar)

DEALER REGISTRATION OF
USED MOTOR VEHICLES

AN ACT to amend and reenact subsection 3 of section 39-22-09 of the North Dakota Century Code, relating to dealer registration of used motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 3 of section 39-22-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

Approved February 25, 1973

CHAPTER 318

SENATE BILL NO. 2250
(Wenstrom)

TITLING OF SNOWMOBILES

AN ACT to amend and reenact section 39-24-02 of the North Dakota Century Code, relating to the registration and titling of snowmobiles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 39-24-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-02. SNOWMOBILE REGISTRATION - TITLE CERTIFICATE - GENERAL REQUIREMENTS.) 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 chapter.

Any snowmobile purchased after July 1, 1973, must be titled under the provisions of chapter 39-05 in order to be operated under the provisions of this section. Any snowmobile purchased prior to July 1, 1973, may be titled under the provisions of chapter 39-05.

Approved March 27, 1973

CHAPTER 319

HOUSE BILL NO. 1254
(Mertens, Knudson, Hildebrand)

ABANDONED MOTOR VEHICLES

AN ACT relating to the disposal and reuse of abandoned motor vehicles and other scrap metal; prescribing duties and powers of the state department of health and responsibilities of the motor vehicle registrar; providing a tax on motor vehicle registration; establishing a disposal fund; allowing storage of vehicles by collectors; to amend and reenact section 24-03-23 of the North Dakota Century Code, relating to encroachments on state highways; to repeal section 40-05-15 of the North Dakota Century Code, relating to unclaimed motor vehicles; providing a penalty; and providing an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. STATEMENT OF LEGISLATIVE INTENT CONCERNING ABANDONED MOTOR VEHICLES.) Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the state in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the state and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes a waste of a valuable source of useful metal. It is therefore in the public interest and the intent of the legislative assembly that the present accumulation of abandoned motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metals be prevented, that the expansion of existing scrap recycling facilities be developed and that other acceptable and economically useful methods for the disposal of abandoned motor vehicles and other forms of scrap metal be developed.

SECTION 2. DEFINITIONS.) As used in this Act, unless the context or subject matter otherwise requires:

1. "Abandoned motor vehicle" means a motor vehicle, as defined in section 39-01-01, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts,

or has remained for a period of more than forty-eight hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to a person duly licensed under section 10 of this Act. An antique automobile, as defined in section 39-04-43, and other motor vehicles to include parts car and special interest vehicles, shall not be considered an abandoned motor vehicle within the meaning of this Act.

2. "Unit of government" includes a state department or agency, a county, city, township, or other political subdivision.
3. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.
4. "Department" means the state department of health.
5. "Collector" shall mean the owner of one or more special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest vehicles or parts thereof for his own use in order to restore, preserve, and maintain a special interest vehicle or antique vehicle.
6. "Parts car" shall mean a motor vehicle generally in nonoperable condition which is owned by the collector to furnish parts to restore, preserve, and maintain a special interest vehicle or antique vehicle.
7. "Special interest vehicle" means a motor vehicle which is at least twenty years old and which has not been altered or modified from original manufacturers' specifications and, because of its historic interest, is being preserved by hobbyists.

SECTION 3. PENALTY FOR ABANDONING A MOTOR VEHICLE.)

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, is guilty of a misdemeanor.

SECTION 4. CUSTODY OF ABANDONED VEHICLES.) Units of government may take into custody and impound any abandoned motor vehicle.

SECTION 5. CONDITIONS UNDER WHICH AN ABANDONED VEHICLE MAY BE SOLD IMMEDIATELY.) When an abandoned motor vehicle is more than seven model years of age, is lacking vital component

parts, and does not display a license plate currently valid in North Dakota or any other state or foreign country, it shall immediately be eligible for disposition and shall be disposed of to a scrap iron processor licensed under section 10 of this Act, and shall not be subject to the notification, reclamation, or title provisions of this Act.

SECTION 6. NOTICE TO OWNER OF ABANDONED VEHICLE.)

1. When an abandoned motor vehicle does not fall within the provisions of section 5, the unit of government taking it into custody shall give notice of the taking within ten days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle and the place where the vehicle is being held, shall inform the owner and any lienholders or secured parties of their right to reclaim the vehicle under section 7, and shall state that failure of the owner or lienholders or secured parties to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all right, title, and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to section 8.
2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders or secured parties of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy.

SECTION 7. RIGHT OF OWNER TO RECLAIM ABANDONED VEHICLE.)

1. The owner, secured parties, or any lienholder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the unit of government taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen days after the date of the notice required by section 6.
2. Nothing in this Act shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder or secured parties to foreclose. For the purposes of this section "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

SECTION 8. PUBLIC SALE - DISPOSITION OF PROCEEDS.)

1. An abandoned motor vehicle not more than seven model years of age taken into custody and not reclaimed under section 7 shall be sold to the highest bidder at public auction or sale, following reasonable published notice thereof. The purchaser shall be given a receipt in a form prescribed by the department which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.
2. From the proceeds of the sale of an abandoned motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all notice and publication costs incurred pursuant to this Act. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder or secured parties for ninety days and then shall be deposited in the state treasury as provided in section 153 of the Constitution and credited to the permanent school fund.

SECTION 9. DISPOSAL OF VEHICLES NOT SOLD.) Where no bid has been received for an abandoned motor vehicle, the unit of government may dispose of it pursuant to contract under section 10.

SECTION 10. CONTRACTS FOR DISPOSAL - ISSUANCE OF LICENSES BY HEALTH DEPARTMENT - REIMBURSEMENT OF UNITS OF GOVERNMENT FOR COSTS.)

1. A unit of government may contract with any qualified licensed scrap iron processor for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal. Such contract may authorize the contracting scrap iron processor to pay to the owner of any abandoned motor vehicle an incentive payment for such vehicle if it is voluntarily surrendered and delivered to the scrap iron processor. For the purposes of this section, an owner of an abandoned motor vehicle shall include only a person who has owned and operated the vehicle for his personal or business use.
2. The department may issue a license to any qualified scrap iron processor desiring to participate in such a contract who meets the requirements for solid waste disposers established by the department.

3. Where a unit of government enters into a contract with a scrap iron processor duly licensed by the department, the department may review the contract to determine whether it conforms to the department's plan for solid waste disposal. A contract that does so conform may be approved by the department. Where a contract has been approved, the department may reimburse the unit of government for the costs incurred under the contract, including incentive payments authorized and made under the contract, subject to the limitations of legislative appropriations.
4. The department may demand that a unit of government contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the department's plan for solid waste disposal. Where the unit of government fails to so contract within one hundred eighty days of the demand, the department, on behalf of such unit of government, may contract with any scrap iron processor duly licensed by the department for such disposal.

SECTION 11. ABANDONED MOTOR VEHICLE DISPOSAL FUND.)

There is hereby established in the state treasury a special fund which shall be known as the abandoned motor vehicle disposal fund. Any moneys in such fund shall be dedicated to the purposes expressed in this Act.

SECTION 12. TAX ON MOTOR VEHICLE REGISTRATIONS.)

There is hereby imposed a tax of three dollars on each initial North Dakota Certificate of Title issued to a passenger motor vehicle or a truck motor vehicle. The proceeds of such tax shall be paid into the abandoned motor vehicle disposal fund in the state treasury. Any moneys collected under the provisions of this Act, not appropriated under section 16 hereof, shall remain in the abandoned motor vehicle fund in the state treasury. No registration plates or title certificate shall be issued unless such tax is paid.

SECTION 13. AMENDMENT.) Section 24-03-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-03-23. ENCROACHMENTS ON STATE HIGHWAYS.) No part of the right-of-way for state highways shall be encroached upon by erection thereon of any structure, or placing thereon any personal property, other than a temporary parking of a motor vehicle, without a written permit from the state highway commissioner. Any encroachment may be caused to be removed, obliterated, or corrected by order of the highway commissioner and the total cost thereof shall be paid by the person responsible for the encroachment. Property other than motor vehicles left upon highway right-of-way for a period exceeding seventy-two hours, the ownership of which cannot be determined after reasonable effort has been made to do so, shall be deemed

abandoned and may be removed from the right-of-way and stored at the nearest site available for thirty days and if it is not claimed by the owner during such period, and the cost of removal and storage paid, it may be disposed of in the manner prescribed by the commissioner. Abandoned motor vehicles shall be subject to the provisions of sections 1 through 11 of this Act. If such property shall be disposed of it shall, except as otherwise provided by this section, be sold or disposed of in the manner provided in sections 5 through 9 of this Act. The receipts therefrom shall be deposited in the state treasury as provided in section 153 of the Constitution and credited to the permanent school fund.

SECTION 14. STORAGE OF VEHICLES BY COLLECTOR - LIMITATIONS.) A collector may store unlicensed, operable or inoperable, vehicles and parts cars on his property provided the vehicles and parts cars and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, trees, shrubbery, or other appropriate means.

SECTION 15. REPEAL.) Section 40-05-15 of the North Dakota Century Code is hereby repealed.

SECTION 16. APPROPRIATION.) There is hereby appropriated out of any moneys in the abandoned motor vehicle disposal fund in the state treasury, not otherwise appropriated, the sum of \$300,000.00, or so much thereof as may be necessary, to the state department of health for the purpose of administering the provisions of this Act and for the reimbursement of the costs of units of government for the disposal of abandoned motor vehicles as provided in this Act, for the biennium beginning July 1, 1973, and ending June 30, 1975.

There is further appropriated out of any moneys in the abandoned motor vehicle disposal fund in the state treasury, not otherwise appropriated, the sum of \$9,000.00, or so much thereof as may be necessary, to the motor vehicle registrar, for the purpose of defraying the cost of collection of the tax imposed by this Act, for the biennium beginning July 1, 1973, and ending June 30, 1975.

Approved March 29, 1973