

MOTOR VEHICLES

CHAPTER 401

HOUSE BILL NO. 1153
(Retzer)

CLASS C AUTHORIZED EMERGENCY VEHICLES

AN ACT to amend and reenact subdivision c of subsection 1 of section 39-01-01 and section 39-10-03.2 of the North Dakota Century Code, relating to the definition of class C emergency vehicles, and authorizing class C vehicles to display a blue light in place of a red light.

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

* SECTION 1. AMENDMENT.) Subdivision c of subsection 1 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. Class C vehicles--by-civil-defense-directors-while-used in-the-performance-of--emergency--duties, authorized emergency vehicles means those vehicles authorized by state and local disaster emergency services organizations and those vehicles used by volunteer firemen while performing their assigned disaster and emergency responsibilities.

SECTION 2. AMENDMENT.) Section 39-10-03.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-03.2. CLASS C AUTHORIZED EMERGENCY VEHICLES.) All class B specifications shall apply to class C authorized emergency vehicles except that a rotating blue flashing light shall be displayed in place of an amber light as provided in section 39-10-03.1. The office of disaster emergency services shall be responsible for promulgating the rules for the use of flashing blue lights in accordance with chapter 28-32.

Approved March 3, 1979

- * NOTE: Subdivision c of subsection 1 of section 39-01-01 was also amended by section 73 of House Bill No. 1073, chapter 187.

CHAPTER 402

SENATE BILL NO. 2245

(Committee on Transportation)

(At the request of the Motor Vehicle Department)

MOTOR VEHICLE DEFINITIONS

AN ACT to create and enact two new subsections to section 39-01-01 of the North Dakota Century Code, relating to definitions of lienholder, and salvage certificate of title; and to amend and reenact subsections 29 and 37 of section 39-01-01 of the North Dakota Century Code, relating to definitions of manufacturer and owner.

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

SECTION 1.) Two new subsections to section 39-01-01 of the 1977 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

"Lienholder" shall mean a person holding a security interest in a vehicle.

"Salvage certificate of title" shall mean a document issued by the department for purposes of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor vehicles registration purposes.

SECTION 2. AMENDMENT.) Subsections 29 and 37 of section 39-01-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

29. "Manufacturer" shall mean any person engaged--in--the business-of-manufacturing-motor-vehicles-or-trailers, who manufactures, assembles, or imports and sells new motor vehicles to new motor vehicle dealers for resale in the state; but such term shall not include a person who assembles or specially builds interior equipment on a completed vehicle supplied by another manufacturer, distributor, or supplier.
37. "Owner" shall mean a person who-holds-the-legal-title-of-a-vehicle,-or-if-a-vehicle-is-the-subject--of--an--agreement

~~for--the--conditional-sale-or-lease--thereof-with-the-right
of-purchase-upon-performace-of-the-conditions--stated--in
the--agreement,--and-with-an-immediate-right-of-possession
vested-in-the--conditional--vendee-or--lessee,--or--if--a
mortgager--of--a--vehiele--is-entitled-to-possession,--then
such-conditional-vendee-or-lessee-or-mortgager--shall--be
deemed--the--owner--for--the-purpose-of-this-title, other
than a lienholder, having the property in or title to a
vehicle. The term includes a person entitled to the use
and possession of a vehicle subject to a security interest
in another person, but excludes a lessee under a lease not
intended as security.~~

Approved March 22, 1979

CHAPTER 403

SENATE BILL NO. 2357
(Lashkowitz)

MOTORIZED BICYCLE OPERATION

AN ACT to create and enact a new subsection to section 39-01-01 and a new section to chapter 39-10.1 of the North Dakota Century Code, relating to a definition of "motorized bicycle" and required age for operation of a motorized bicycle; and to amend and reenact subsections 2 and 32 of section 39-01-01 of the North Dakota Century Code, relating to the definition of "bicycle" and "motor vehicle".

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

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

"Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, a power source providing up to a maximum of two brake horsepower having a maximum piston or rotor displacement of 3.05 cubic inches if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles per hour on a level road surface, is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and shall have a width no greater than thirty-two inches.

SECTION 2. AMENDMENT.) Subsection 2 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. "Bicycle" ~~shall--mean~~ means a motorized bicycle and every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter~~7.~~

SECTION 3. AMENDMENT.) Subsection 32 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32. "Motor vehicle" shall include every vehicle , except motorized bicycles, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails_†.

SECTION 4.) A new section to chapter 39-10.1 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

MOTORIZED BICYCLES - AGE OF OPERATOR.) No person under fourteen years of age may operate a motorized bicycle.

Approved March 25, 1979

CHAPTER 404

HOUSE BILL NO. 1458
(Wald)

PROOF OF FINANCIAL RESPONSIBILITY

AN ACT to amend and reenact subsection 45 of section 39-01-01, sections 39-16-05, 39-16.1-02, 39-16.1-05, and subsection 2 of section 39-16.1-11 of the North Dakota Century Code, relating to the level of motor vehicle liability coverage necessary to fulfill the requirements of the definition "proof of financial responsibility", the amount of motor vehicle liability coverage required to avoid suspension of operator's license, the level of motor vehicle liability coverage necessary to fulfill the requirements of the definition "proof of financial responsibility", the satisfaction of judgments arising out of motor vehicle accidents, and the amount of coverage specified in motor vehicle liability insurance policies.

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

SECTION 1. AMENDMENT.) Subsection 45 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

45. "Proof of financial responsibility" shall mean proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ~~ten~~ twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of ~~twenty~~ fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~five~~ ten thousand dollars because of injury to or destruction of property of others in any one accident;

* SECTION 2. AMENDMENT.) Section 39-16-05 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * NOTE: Section 39-16-05 was also amended by section 9 of House Bill No. 1283, chapter 405, and by section 1 of House Bill No. 1419, chapter 425.

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 sections 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 that 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~~ twenty-five 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 ~~fifty~~ 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 ten~~ 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 3. AMENDMENT.) Section 39-16.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16.1-02. DEFINITION OF PROOF OF FINANCIAL RESPONSIBILITY.) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ~~ten~~ twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of twenty ~~fifty~~ thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~five ten~~ thousand dollars because of injury to or destruction of property of others in any one accident.

SECTION 4. AMENDMENT.) Section 39-16.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16.1-05. SATISFACTION OF JUDGMENT.) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

1. When ~~ten~~ twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that

amount because of bodily injury to or death of one person as the result of any one accident; or

2. When, subject to such limit of ~~ten~~ twenty-five thousand dollars because of bodily injury to or death of one person, the sum of ~~twenty~~ fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or
3. When ~~five~~ ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident. Payments made in settlement of any claims because of bodily injury, death or property damages arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

* SECTION 5. AMENDMENT.) Subsection 2 of section 39-16.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Such owner's policy of liability insurance:

- a. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and
- b. Shall insure the person named therein and any other person, as insured, using such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: ~~ten~~ twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and subject to said limit for one person, ~~twenty~~ fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~five~~ ten thousand dollars because of injury to or destruction of property of others in any one accident.

Approved March 15, 1979

* NOTE: Subsection 2 of section 39-16.1-11 was also amended by section 2 of House Bill No. 1419, chapter 425.

CHAPTER 405

HOUSE BILL NO. 1283
(Committee on Transportation)
(At the request of the Highway Department)

FINANCIAL RESPONSIBILITY AND DRIVER'S LICENSES

AN ACT to amend and reenact section 39-01-13, subsections 1 and 2 of section 39-06-07, section 39-06-08, subsection 1 of section 39-06-14, section 39-06-31, subsection 1 of section 39-06-40.1, section 39-08-09, and section 39-16-05 of the North Dakota Century Code, relating to financial responsibility and driver's licenses.

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

* SECTION 1. AMENDMENT.) Section 39-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-13. COMMISSIONER TO KEEP RECORD OF PROCESS RECEIVED FOR NONRESIDENT MOTOR VEHICLE USERS.) The highway commissioner shall keep a record of all process served upon him under the provisions of section 39-01-11. Such record shall show the day and hour of service. If any defendant served under section 39-01-11 has made proof of financial responsibility by filing a certificate of insurance coverage, as provided in section ~~39-16-10~~ 39-16.1-09, the commissioner shall mail a copy of such summons and complaint to the insurance carrier named in such certificate.

SECTION 2. AMENDMENT.) Subsection 1 of section 39-06-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

* NOTE: Section 39-01-13 was also amended by section 74 of House Bill No. 1073, chapter 187.

SECTION 3. AMENDMENT.) Subsection 2 of section 39-06-07 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Every said application shall state the full name, date of birth, sex, and residence and mailing address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and if so, when and by what state or country, and whether an application has ever been refused, suspended, canceled, or revoked and if so, the date of and reason for such suspension, cancellation, revocation, or refusal. In signing the application the applicant shall be deemed to have certified that all information contained on the application is true and correct and shall be accompanied by the proper fee. Payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of six months from the date of application. The application shall also provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.1. The application shall contain such other information as the commissioner may require.

SECTION 4. AMENDMENT.) Section 39-06-08 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-08. APPLICATION OF MINORS.) The application of any minor for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths or the commissioner's agent, by the father, mother, or guardian, or, in the event there is no parent or guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor.

SECTION 5. AMENDMENT.) Subsection 1 of section 39-06-14 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner shall, upon payment of an eight-dollar fee, issue to every applicant qualifying therefor an operator's license as applied for in the form prescribed by the commissioner. The license shall bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. If requested on the license application, the license issued by the commissioner shall identify the licensee as a donor under the provisions of

chapter 23-06.1. No license shall be valid until it has been so signed by the licensee. For purposes of verification, an officer may require the licensee to write his signature in the presence of such officer. The commissioner shall have the authority to promulgate rules and regulations, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses.

SECTION 6. AMENDMENT.) Section 39-06-31 of the 1977 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, for a period of one year, or for such period as may be recommended by the trial court, 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 7. AMENDMENT.) Subsection 1 of section 39-06-40.1 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 8. AMENDMENT.) Section 39-08-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-09. IMMEDIATE NOTICE AND WRITTEN REPORT OF ACCIDENT.) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of ~~three~~ four hundred dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. Within ten days after such

accident, the driver shall also forward a written report of the accident to the highway commissioner.

The highway commissioner may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in sections 39-08-06 through 39-08-09 until such report has been filed, and the commissioner may extend such suspension not to exceed thirty days.

* SECTION 9. AMENDMENT.) Section 39-16-05 of the 1977 Supplement to 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~~ four 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 sections 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 that 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

* NOTE: Section 39-16-05 was also amended by section 2 of House Bill No. 1458, chapter 404, and by section 1 of House Bill No. 1419, chapter 425.

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.

Approved March 3, 1979

CHAPTER 406

HOUSE BILL NO. 1189
(Wessman)

HANDICAPPED PARKING PRIVILEGE ENFORCEMENT

AN ACT to amend and reenact subsection 5 of section 39-01-15 of the North Dakota Century Code, empowering police to enforce handicapped parking privileges in public and private parking lots.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 39-01-15 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Whenever any public or private agency or authority designates parking spaces for use by motor vehicles operated by physically handicapped persons, those reserved spaces shall be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, the space reserved shall also be indicated by signs or other suitable means. The law enforcement agency of any city or any other political subdivision may enforce the provisions of this subsection in any parking lot or parking facility that is generally open to the public, whether publicly or privately owned.

Approved March 3, 1979

CHAPTER 407

HOUSE BILL NO. 1213
(Representatives Solberg, Scofield)
(Senator Miller Heinrich)

HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

AN ACT to amend and reenact sections 39-03A-09, 39-03A-12, and 39-03A-14 of the North Dakota Century Code, relating to the North Dakota highway patrolmen's retirement system.

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

SECTION 1. AMENDMENT.) Section 39-03A-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-09. PAYMENTS BY CONTRIBUTORS.) Every member shall be required to contribute into the fund a sum equal to nine percent of his monthly salary, but not to exceed one hundred ~~twenty~~ thirty-five dollars ~~and fifty cents~~, which sum shall be deducted from his salary and credited to his account in the fund. A contributor who was paid a refund or severance allowance upon a termination of employment with the patrol and who again becomes a contributor may, at any time prior to retirement, elect to return to the fund the amount which was paid him as a refund or severance allowance plus regular interest thereon for the period during which the amount was withdrawn from the fund. All such payments must be made in full before a retirement or optional retirement allowance is granted, and, if the contributor elects to make such payment, any survivor's allowance to which his survivor would otherwise be entitled shall be reduced by an amount and for such time as will assure that the back payments will be returned to the fund. Every contributor who shall elect to make such back payments shall receive full credit under this chapter for all contributions made into the fund and for all service credits to which he might thereby be entitled.

SECTION 2. AMENDMENT.) Section 39-03A-12 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-12. RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A-11 shall be entitled to receive from the fund, for the duration of his life, a monthly retirement

allowance equal to two and one-fourth percent of the average monthly salary, not to exceed one thousand ~~two-hundred-fifty~~ five hundred dollars, for the thirty-six months of service immediately preceding retirement from the patrol, multiplied by twenty-five. For each ~~complete~~ additional year of service over twenty-five the contributor shall be entitled to an additional one and one-half percent per month of his average salary, as determined above. Credit for additional service of at least one month of an uncompleted year of service shall be given in proportion to the number of months the additional service bears to one full year of service.

SECTION 3. AMENDMENT.) Section 39-03A-14 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-14. OPTIONAL RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A-13 shall be entitled to receive from the fund, for the duration of his life, a monthly optional retirement allowance equal to two and one-fourth percent of the average monthly salary, not to exceed one thousand ~~two-hundred-fifty~~ five hundred dollars, for the last thirty-six months of service, times the total number of years served.

Approved March 3, 1979

CHAPTER 408

HOUSE BILL NO. 1188
(Wessman)

SPECIAL PLATES FOR THE PHYSICALLY HANDICAPPED

AN ACT to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to authorizing the motor vehicle registrar to issue special registration plates bearing a special symbol to identify handicapped individuals.

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

SECTION 1.) A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

SPECIAL PLATES FOR PHYSICALLY HANDICAPPED.) The motor vehicle registrar shall issue, without charge, upon application and payment of the regular license fee, plates marked with a special identifying insignia, symbol, or design making them distinctly different from other number plates, to any physically handicapped applicant upon submission by the applicant of a certificate issued by a qualified physician to the motor vehicle registrar that the applicant is a physically handicapped person within the meaning of subsection 2 of section 39-01-15. The motor vehicle registrar shall determine the form and size of the insignia, symbol, or design, and shall promulgate rules and regulations governing the issuance thereof.

Approved March 3, 1979

CHAPTER 409

HOUSE BILL NO. 1374
(Representatives Gackle, Gunsch, Meiers)
(Senator Wright)

MOTOR VEHICLE REGISTRATION

AN ACT to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to registration fees for trailers, semitrailers, and farm trailers; to create and enact a new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to exemption from registration of trailers, semitrailers, and farm trailers; and to amend and reenact subsection 1 of section 39-04-18, subsection 4 of section 39-04-19, section 39-04-26, and subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to registration of motor vehicles, registration fees, gross weight requirements of towing vehicles, and operators' licenses; and providing an effective date.

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

SECTION 1.) A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

TRAILERS, SEMITRAILERS, FARM TRAILERS - REGISTRATION FEES
PRORATED - EXCESS WEIGHT REGISTRATION.)

1. When a trailer, semitrailer, or farm trailer first becomes subject to registration during the calendar year, the registration fee shall be prorated on a quarterly basis, adjusted to the next dollar, with a minimum fee of five dollars.
2. When the gross weight, not including the weight of the towing vehicle, of any trailer, semitrailer, or farm trailer registered pursuant to subdivision b of subsection 4 of section 39-04-19 is changed to exceed twenty-four thousand pounds, the unused portion of the registration fees in excess of ten dollars may be applied to the registration fee of the changed gross weight of the towing vehicle required pursuant to section 39-04-26.

SECTION 2. AMENDMENT.) Subsection 1 of section 39-04-18 of the 1977 Supplement to 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, ~~semitrailers trailer or semitrailer~~ designed to be towed by a truck or truck tractor, and farm ~~trailers trailer~~ operated or intended to be operated upon any highway, road, or street in this state shall be registered annually with the ~~motor vehicle--registrar~~ department. 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~~ department upon the payment of the fees prescribed in this chapter.

Upon satisfactory proof to the ~~registrar~~ department 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 the~~ motor vehicle may be registered upon payment of the registration fee for the current year.

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 or penalties for the intervening years when ~~such the~~ vehicle was not licensed, ~~nor any penalties therefor~~, providing ~~such the~~ veteran shows by suitable affidavit that ~~such the~~ vehicle was not in use during any year in which it was not licensed. ~~Such The~~ vehicle shall be licensed for the license fee applicable to the month of the year in which application for license is made.

SECTION 3.) A new subdivision to subsection 2 of section 39-04-18 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Any trailer, semitrailer, or farm trailer when the gross weight, not including the weight of the towing vehicle, does not exceed one thousand five hundred pounds and it is not for hire or commercial use, or when used to transport recreational vehicles or boats and it is not for hire or commercial use.

SECTION 4. AMENDMENT.) Subsection 4 of section 39-04-19 of the 1977 Supplement to 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,--excluding-farm--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.--The fee for registration of a farm trailer shall be:~~

~~a.--Ten dollars for a farm trailer having one axle.~~

~~b.--Twenty dollars for a farm trailer having two axles.~~

~~c.--Thirty dollars for a farm trailer having three or more axles.~~

Every trailer, semitrailer, and farm trailer required to be registered under this chapter shall be furnished registration plates upon the payment of one of the following annual fees:

a. Ten dollars for trailers and farm trailers which are not semitrailers, including trailers which are offered for lease or rent to the public.

b. Ten dollars per axle, limited to a maximum of thirty dollars, for semitrailers and farm trailers which are semitrailers, when the gross weight, not including the weight of the towing vehicle, does not exceed twenty-four thousand pounds.

c. Ten dollars for semitrailers when the gross weight, not including the weight of the towing vehicle, exceeds twenty-four thousand pounds.

Every trailer, semitrailer, or farm trailer not required to be registered under this chapter shall be furnished an identification plate upon the payment of a fee of five dollars.

SECTION 5. AMENDMENT.) Section 39-04-26 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-26. REGISTRATION OF VEHICLES TRANSPORTING PROPERTY - BASED ON GROSS WEIGHT - MINIMUM GROSS WEIGHT - FARM EXEMPTION.) The registration and license fee for a motor vehicle or for any lawful combination of motor vehicles used for the transportation of property shall be based upon the gross weight of ~~such~~ the motor vehicle or combination of vehicles. The minimum gross weight for which ~~such~~ the motor vehicle or combination of motor vehicles can be licensed shall be double the unloaded weight of ~~such~~ the motor vehicle or ~~such~~ combination of vehicles and, subject to ~~such~~ the minimum, the owner of any motor vehicle or combination of vehicles in his application for license shall set out the gross weight for which he desires a license. ~~A vehicle owned and operated by a bona fide resident farmer who uses such vehicle exclusively for transporting his own property between farms and the usual local trading places and is not for hire shall not be required to include the weight of any farm trailer being towed for registration~~

purposes. The gross weight of any trailer, semitrailer, or farm trailer shall not be included in the minimum gross weight for which a vehicle must be licensed when the vehicle or combination of vehicles is not for hire and when the gross weight of the trailer, semitrailer, or farm trailer being towed does not exceed twenty-four thousand pounds.

* SECTION 6. AMENDMENT.) Subsection 3 of section 39-06-14 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. All applicants holding a valid North Dakota driver's license making application for a renewal ~~of such license~~, shall be issued a class 3 license without being subjected to an examination as herein provided. All applicants, except those holding a valid North Dakota driver's license who will be issued a class 3 license, applying for issuance of driver licenses shall be issued a classified license after having been required to submit to an examination in the type of motor vehicle or combination of vehicles for which license is desired and which license shall authorize the holder to drive the vehicles set forth in ~~such a~~ class as follows:

Class 1. Any vehicle or combination of vehicles except vehicles under class 4.

Class 2. Any vehicle or combination of vehicles except:

- a. Vehicles towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds.
- b. Vehicles under class 4.

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

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

* NOTE: Subsection 3 of section 39-06-14 was also amended by section 6 of Senate Bill No. 2438, chapter 442.

Provided, however, an operator with a class 3 license may operate a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds, and may operate a truck towing a trailer, semitrailer, or farm trailer when the gross weight of the trailer, semitrailer, or farm trailer, not including the weight of the towing vehicle, does not exceed twenty-four thousand pounds.

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

The holder of a class 1, 2, or 3 license may receive a class 4 endorsement upon successful completion of an examination. An applicant sixteen years of age and older, who does not hold a current valid driver's license may be issued a class 4 learner's permit after successful completion of a written examination. The class 4 license will be issued after the applicant has successfully completed a driver's examination.

Applicants of the age of fourteen or fifteen years may receive a class 4 learner's permit to operate a motorcycle with an engine displacement of two hundred cubic centimeters or less only after successful completion of a written examination as required by the commissioner. A class 4 license or endorsement shall be issued to a fourteen or fifteen-year-old applicant only after he has successfully completed a driving examination, and has produced evidence satisfactory to the commissioner of either of the following:

- a. Satisfactory completion of a motorcycle course which included at least six hours of classroom instruction and six hours of actual motorcycle operation.
- b. Successful completion of a motorcycle course at an approved commercial driver training school which included at least six hours of classroom instruction and six hours of actual motorcycle operation.

SECTION 7. EFFECTIVE DATE.) The provisions of this Act shall become effective on January 1, 1980.

Approved March 15, 1979

CHAPTER 410

HOUSE BILL NO. 1311
(Koski, Timm)

EXEMPTIONS FROM REGISTRATION FEES

AN ACT to amend and reenact subdivision b of subsection 2 of section 39-04-18 of the North Dakota Century Code relating to motor vehicles exempt from registration fees.

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

SECTION 1. AMENDMENT.) Subdivision b of subsection 2 of section 39-04-18 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. Motor vehicles owned ~~and-operated~~ by or in possession of Indian mission schools or by this state or any of its agencies, departments, or political subdivisions, including school districts possessing a motor vehicle or vehicles used for driver education instruction, provided, however, that ~~such~~ the vehicles shall display license plates provided by the motor vehicle ~~registerar~~ department at actual cost.

Each new automobile loaned ~~and or~~ furnished ~~free~~ ef-charge by a licensed North Dakota new car dealer to a school district in North Dakota to be used exclusively for instructing pupils in the driver education and training program conducted by ~~such~~ the school district will be assigned an official license plate ~~from--a--designated--group-of-numbers~~ bearing a decal with the words "driver education" appearing on it. ~~Said~~ The license plates shall be used only on ~~such~~ the automobiles furnished ~~free--ef--charge~~ by dealers and used in the driver education program, and for no other purpose except for garaging and safekeeping of ~~said~~ the automobile.

No person shall use an automobile bearing official license plates ~~with--the--designated--numbers~~ bearing a decal with the words "driver education" appearing on it as provided for in this subdivision

for any purpose other than driver education course instruction. Any person using a ~~free--loan~~ driver education motor vehicle for purposes other than for instruction shall be guilty of a class B misdemeanor. No person shall be in violation of this subdivision in the event he is required by the dealer or a school administrator to house or otherwise protect ~~any-such~~ the vehicle at his home or other facility.

Approved March 3, 1979

CHAPTER 411

HOUSE BILL NO. 1634
(Representatives Gorder, Peltier)
(Senators Tallackson, Vosper)

TRIP AND EQUIPMENT PERMITS

AN ACT to amend and reenact subsection 1 of section 39-04-19, subsection 2 of section 39-12-05, and sections 57-54.1-09, 57-54.1-11, and 57-54.1-12 of the North Dakota Century Code, relating to election of trip permit in lieu of vehicle registration fees, improved equipment permit fees, issuance and display of license or permit, revocation of license, and occasional trip permits; and to repeal section 57-54.1-08 of the North Dakota Century Code, relating to importer for use bond.

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 1977 Supplement to 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.

* SECTION 2. AMENDMENT.) Subsection 2 of section 39-12-05 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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~~ the vehicle or combination of vehicles, to the factor forty and multiplying this sum by seven hundred fifty, whichever is

* NOTE: Subsection 2 of section 39-12-05 was also amended by section 3 of Senate Bill No. 2086, chapter 412.

lesser less. ~~Such~~ The 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~~ eighty thousand ~~two-hundred and--eighty~~ pounds. The decision on exemption shall be determined on the basis of improved equipment design, which, in ~~his~~ the highway commissioner's 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~~ the 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. No truck under eighty-two thousand pounds operating on the highways of this state shall be required to pay a fee for an improved equipment permit.

SECTION 3. AMENDMENT.) Section 57-54.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54.1-09. ISSUANCE AND DISPLAY.) Upon ~~approval-of-such~~ ~~bond-and~~ investigation by the commissioner, if the statements contained in the application ~~shall-be~~ are found to be true, and if the commissioner ~~shall-be~~ is satisfied that the application is made in good faith, he shall issue to ~~said~~ the applicant an importer for use license bearing a distinctive number and specifying the terms and conditions thereof. The license or permit or a photocopy thereof must be carried in the passenger compartment of each motor vehicle operated by each importer for use at all times when ~~each~~ the motor vehicle is in this state.

SECTION 4. AMENDMENT.) Section 57-54.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54.1-11. REVOCATION, CANCELLATION, AND SURRENDER OF LICENSE AND BOND.) All such importer for use licenses issued by the commissioner shall be in force ~~so-long-as-the-holder-thereof-has-in~~ ~~force-a-bond-as-required-by-law-or-rules-and--regulations--deposited~~ ~~with--the--commissioner,--or~~ until ~~such~~ the license is suspended, surrendered, or revoked for cause by the commissioner. The commissioner may, at any time, upon showing of failure to comply with the provisions of this chapter or rules and regulations promulgated hereunder, suspend or completely revoke any license or registration issued hereunder upon five days' notice to the grantee thereof and on opportunity to be heard.

SECTION 5. AMENDMENT.) Section 57-54.1-12 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54.1-12. OCCASIONAL TRIP PERMITS.) Any person who occasionally makes trips into or through North Dakota and who elects to secure occasional trip permits as hereinafter provided shall be exempt from the licensing ~~and-bonding~~ requirements herein imposed. The word "occasionally" shall mean no more than one trip or series of trips in any seventy-two hour period or two trips or series of trips in any two seventy-two hour periods into or through the state of North Dakota ~~in any one month~~. ~~Such-occasional~~ Occasional trip permits shall be issued by the tax commissioner or ~~his~~ the commissioner's agent for a fee of five dollars per trip pursuant to regulations and procedures prescribed by the tax commissioner.

SECTION 6. REPEAL.) Section 57-54.1-08 of the North Dakota Century Code is hereby repealed.

Approved March 21, 1979

CHAPTER 412

SENATE BILL NO. 2086
 (Legislative Council)
 (Interim Committee on Transportation)

MOTOR VEHICLE RESTRICTION LIMITATIONS

AN ACT to amend and reenact the second table of subdivision b of subsection 2 of section 39-04-19, subsection 3 of section 39-12-04, subsection 2 of section 39-12-05, and subsection 2 of section 39-12-05.1 of the North Dakota Century Code, relating to motor vehicle registration fees, length limitations on vehicles and combinations of vehicles, weight limitations for vehicles on the interstate system, and gross weight limitations on designated highways.

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

SECTION 1. AMENDMENT.) The second table of subdivision b of subsection 2 of section 39-04-19 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
24,001- 26,000	\$ 176.00	\$ 141.00	\$ 123.00
26,001- 28,000	211.00	169.00	148.00
28,001- 30,000	246.00	197.00	172.00
30,001- 32,000	281.00	225.00	197.00
32,001- 34,000	316.00	253.00	221.00
34,001- 36,000	351.00	281.00	246.00
36,001- 38,000	386.00	309.00	270.00
38,001- 40,000	421.00	337.00	295.00
40,001- 42,000	456.00	365.00	319.00
42,001- 44,000	491.00	393.00	344.00
44,001- 46,000	526.00	421.00	368.00
46,001- 48,000	561.00	449.00	393.00
48,001- 50,000	596.00	477.00	417.00
50,001- 52,000	631.00	505.00	442.00
52,001- 54,000	666.00	533.00	466.00
54,001- 56,000	701.00	561.00	491.00
56,001- 58,000	736.00	589.00	515.00

58,001- 60,000	771.00	617.00	540.00
60,001- 62,000	806.00	645.00	564.00
62,001- 64,000	841.00	673.00	589.00
64,001- 66,000	876.00	701.00	613.00
66,001- 68,000	911.00	729.00	638.00
68,001- 70,000	946.00	757.00	662.00
70,001- 72,000	981.00	785.00	687.00
72,001- 74,000	1,016.00	813.00	711.00
74,001- 76,000	1,051.00	841.00	736.00
76,001- 78,000	1,086.00	869.00	760.00
78,001- 80,000	1,121.00	897.00	785.00
80,001- 82,000	1,156.00	925.00	809.00
82,001- 84,000	1,226.00	985.00	859.00
84,001- 86,000	1,296.00	1,045.00	909.00
86,001- 88,000	1,366.00	1,105.00	959.00
88,001- 90,000	1,436.00	1,165.00	1,009.00
90,001- 92,000	1,506.00	1,225.00	1,059.00
92,001- 94,000	1,576.00	1,285.00	1,109.00
94,001- 96,000	1,646.00	1,345.00	1,159.00
96,001- 98,000	1,716.00	1,405.00	1,209.00
98,001-100,000	1,786.00	1,465.00	1,259.00
100,001-102,000	1,856.00	1,525.00	1,309.00
102,001-104,000	1,926.00	1,585.00	1,359.00
104,001-105,500	1,996.00	1,645.00	1,409.00

SECTION 2. AMENDMENT.) Subsection 3 of section 39-12-04 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A length limitation as follows:

- a. A single unit vehicle with two or more axles including the load thereon shall not exceed a length of forty feet [12.19 meters].
- b. A combination of two units including the load thereon, ~~may-be-operated-on-and-ever-these-highways-in-the-state-designated-by-the-highway-commissioner-and~~ shall not exceed a length of sixty-five feet [19.81 meters].
- c. A combination of three units including the load thereon ~~may-be-operated-on-and-ever-these-highways-in-the-state-designated-by-the-highway-commissioner-and~~ shall not exceed a length of sixty-five feet [19.81 meters]. Combinations of three units are permissible only as follows:
 - (1) A truck-tractor and semitrailer may draw a trailer or semitrailer converted to a trailer by use of a dolly and fifth wheel.
 - (2) A motor vehicle may draw three motor vehicles attached thereto by a triple saddle mount method.

(3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles [40.23 kilometers] per hour. The two-implement-of-husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the highway commissioner determines by regulation rule are consistent with public highway safety.

(4) A truck may draw two trailers, subject to any rules adopted by the commissioner that are consistent with public highway safety.

d. A combination of two or three units including the load thereon may be operated on and over those highways in the state designated by the commissioner and shall not exceed a length of seventy-five feet [22.86 meters], subject to any rules adopted by the commissioner that are consistent with public highway safety.

~~d.~~ e. Length limitations shall not apply to:

- (1) Building moving equipment.
- (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
- (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
- (4) Structural material of telephone, power, and telegraph companies.
- (5) Truck-mounted haystack moving equipment, provided such equipment does not exceed a length of fifty feet [15.24 meters].

* SECTION 3. AMENDMENT.) Subsection 2 of section 39-12-05 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Subject to the limitations imposed by ~~the above~~ subsection 1 on tires, wheel, and axle loads, no vehicle or combination of vehicles shall be operated whose gross weight, including the load, exceeds sixty-four thousand pounds [29,029.91 kilograms] or that determined by adding the distance in feet between the first axle and the last axle of ~~such~~ the vehicle or combination of vehicles, to the factor forty and multiplying this sum by seven hundred fifty, whichever is lesser. Such gross weight limitation

* NOTE: Subsection 2 of section 39-12-05 was also amended by by section 2 of House Bill No. 1634, chapter 411.

shall not apply to ~~such~~ equipment as the state highway commissioner or ~~his~~ the commissioner's agents may approve for exemption, but gross weights shall not exceed ~~seventy-three--thousand--two--hundred--and--eighty--pounds~~ eighty thousand pounds [36,287.39 kilograms]. The decision on exemption shall be determined on the basis of improved equipment design, which, in ~~his~~ the commissioner's 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~~ the vehicle or combination of vehicles is eighteen feet [8.16 meters] 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. No truck under eighty-two thousand pounds operating on the highways of this state shall be required to pay for an improved equipment permit.

SECTION 4. AMENDMENT.) Subsection 2 of section 39-12-05.1 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Subject to the limitations imposed by ~~the-above~~ subsection 1 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:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

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 limitations shall not apply to ~~such~~ equipment as the state highway commissioner or ~~his~~ the commissioner's agents may approve for exemption. Gross weight shall not exceed one hundred five thousand five hundred pounds [47,854.00 kilograms].

Approved March 21, 1979

CHAPTER 413

SENATE BILL NO. 2248
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

TRUCK REGISTRATION PLATES AND REGISTRATION CHANGE

AN ACT to amend and reenact subsection 5 of section 39-04-19 and subsection 1 of section 39-04-23 of the North Dakota Century Code, relating to farm truck registration and change of registration to a higher gross weight.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 39-04-19 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds [10886.66 to 37194.57 kilograms] which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds [10886.66 to 37194.57 kilograms] owned, or leased for a minimum period of one year by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from such farms, nor otherwise for hire. ~~The registrar shall design a distinctive number plate for such vehicles, commencing with the next plate issue. Until the next plate issue, the registrar shall issue distinctive yearly renewal stickers.~~

Gross Weights	YEARS REGISTERED			
	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
24,001-26,000	\$ 86.00	\$ 69.00	\$ 52.00	\$ 31.00
26,001-28,000	96.00	77.00	58.00	35.00
28,001-30,000	106.00	85.00	64.00	39.00
30,001-32,000	116.00	93.00	70.00	43.00
32,001-34,000	126.00	101.00	76.00	47.00
34,001-36,000	136.00	109.00	82.00	51.00
36,001-38,000	146.00	117.00	88.00	55.00
38,001-40,000	156.00	125.00	94.00	59.00
40,001-42,000	166.00	133.00	100.00	63.00
42,001-44,000	176.00	141.00	106.00	67.00
44,001-46,000	186.00	149.00	112.00	71.00
46,001-48,000	196.00	157.00	118.00	75.00
48,001-50,000	206.00	165.00	124.00	79.00
50,001-52,000	216.00	173.00	130.00	83.00
52,001-54,000	226.00	181.00	136.00	87.00
54,001-56,000	236.00	189.00	142.00	91.00
56,001-58,000	246.00	197.00	148.00	95.00
58,001-60,000	256.00	205.00	154.00	99.00
60,001-62,000	266.00	213.00	160.00	103.00
62,001-64,000	276.00	221.00	166.00	107.00
64,001-66,000	286.00	229.00	172.00	111.00
66,001-68,000	296.00	237.00	178.00	115.00
68,001-70,000	306.00	245.00	184.00	119.00
70,001-72,000	316.00	253.00	190.00	123.00
72,001-74,000	326.00	261.00	196.00	127.00
74,001-76,000	336.00	269.00	202.00	131.00
76,001-78,000	346.00	277.00	208.00	135.00
78,001-80,000	356.00	285.00	214.00	139.00
80,001-82,000	366.00	293.00	220.00	143.00

SECTION 2. AMENDMENT.) Subsection 1 of section 39-04-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

Approved March 12, 1979

CHAPTER 414

HOUSE BILL NO. 1415
(Mertens, Berg)

CUSTOM COMBINE VEHICLE REGISTRATION

AN ACT to amend and reenact subsection 6 of section 39-04-19 of the North Dakota Century Code, relating to custom combine registration.

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

SECTION 1. AMENDMENT.) Subsection 6 of section 39-04-19 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. A motor vehicle registered in subsection 5 may be utilized in used for custom combining operations ~~from---July fifteenth--through-November-fifteenth-of-any-one-year-upon~~ by displaying the identification issued by the motor vehicle registrar ~~--for--such--use~~ department and the upon payment of the ~~--registration--fee---as---prescribed---~~ by ~~subdivision--b--of--subsection--2--for-the-period-set-forth~~ herein a fee of twenty-five dollars.

Approved March 12, 1979

CHAPTER 415

SENATE BILL NO. 2246
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE LICENSE AND TITLE ISSUANCE

AN ACT to amend and reenact sections 39-05-03 and 39-05-17 of the North Dakota Century Code, relating to the department's refusal to license a vehicle until application for a title certificate is made and transfer of title to a vehicle.

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

SECTION 1. AMENDMENT.) Section 39-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-03. DEPARTMENT NOT TO LICENSE VEHICLE UNTIL APPLICATION IS MADE FOR A CERTIFICATE OF TITLE.) The department shall not register ~~nor~~ or renew the registration for license of any ~~motor~~ vehicle unless and until an application is made for an official certificate of title for ~~such~~ the vehicle, or unless satisfactory evidence is presented that a certificate of title for ~~such~~ the vehicle has been issued previously to the ~~legal-owner~~ lienholder or owner by the department or when engaged in interstate commerce the vehicle is titled in another state.

SECTION 2. AMENDMENT.) Section 39-05-17 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-17. TRANSFER OF TITLE OF VEHICLE - ENDORSEMENT REQUIRED - CERTIFICATE OF TITLE DELIVERED - NEW CERTIFICATE OBTAINED - PENALTY.) The owner of a motor vehicle who sells or transfers ~~his~~ title to ~~such~~ a vehicle shall endorse an assignment and warranty of title upon the certificate of title for ~~such~~ the vehicle, with a statement ~~as-to~~ whether there are liens or encumbrances thereon, which statement shall be verified ~~under-oath~~ by the owner. The owner shall deliver the certificate of title to the purchaser if title passes to the purchaser. If the ~~legal~~ title does not pass to the purchaser under the terms of the contract for sale of the vehicle, the ~~legal--title-owner~~ lienholder shall endorse thereon a statement that he holds the lien, the date thereof and the name of the purchaser, and shall send the certificate of title to the ~~motor~~

~~vehicle-registrar~~ department with an application of the purchaser for a new certificate of title showing the name of the ~~legal-owner,~~ ~~the-registered-owner,~~ owner, lienholder, and the date of the lien of the ~~legal--owner~~ lienholder, which certificate of title when issued shall be returned by the ~~motor-vehicle-registrar~~ department to the ~~legal--title--owner~~ lienholder, who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to the department, within thirty days after the receipt thereof, accompanied by a transfer fee of three dollars, and shall make an application for and obtain a new certificate of title for such vehicle. In addition to any other penalty, the registration to a motor vehicle may be suspended or revoked whenever the purchaser or transferee fails to present the endorsed and assigned certificate of title to the department for transfer and make application for a new certificate of title within the prescribed thirty days. The department shall deliver the new certificate of title to the lienholder with priority. If there is no lienholder delivery is made to the purchaser. A violation of the provisions of this section shall constitute an infraction.

Approved March 22, 1979

CHAPTER 416

HOUSE BILL NO. 1287
(Committee on Transportation)
(At the request of the Highway Department)

DRIVER'S LICENSE RECORDS

AN ACT to amend and reenact sections 39-06-20, 39-06-21, 39-06-26, and 39-06-29 of the North Dakota Century Code, relating to drivers' addresses, the reporting of convictions of nonresidents, the reporting of convictions by courts and driver's license applications.

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

SECTION 1. AMENDMENT.) Section 39-06-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 2. AMENDMENT.) Section 39-06-21 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-21. FILING APPLICATION RECORDS.) The commissioner shall file every application for a license ~~received by him and shall maintain--suitable--indexes--containing,--in-alphabetical-order--and~~ shall maintain individual records of convictions and adjudications of traffic offenses, suspensions, revocations, cancellations, restrictions, and traffic accidents in which they have been involved. The commissioner may destroy such records provided the required information has been microfilmed

~~1--All--applications--denied--and--on--each--thereof--note--the
reasons--for--such--denial--~~

~~2. All applications granted, and~~

~~3. The name of every licensee whose license has been suspended or revoked by the commissioner and after each such name note the reasons for such action.~~

~~Two years after date of receipt of application, suspension, or revocation action, the commissioner may destroy such records provided the required information has been transferred to microfilm.~~

SECTION 3. AMENDMENT.) Section 39-06-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-26. REPORTING CONVICTIONS, SUSPENSIONS, OR REVOCATIONS OF NONRESIDENTS.) The commissioner may, upon receiving a record of the conviction or adjudication in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to or equivalent ordinances of any of its political subdivisions notify the licensing authority in the state wherein the person so convicted is a resident licensed.

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

SECTION 4. AMENDMENT.) Section 39-06-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-29. COURTS TO REPORT RECORDS OF CERTAIN CONVICTIONS.) Every court or juvenile commissioner having jurisdiction over offenses committed under this title or any other law of this state or ~~municipal~~ equivalent ordinance regulating the operation of motor vehicles on highways, shall forward within ten days to the commissioner a record of the conviction of any person in said court, or a report of the action of the juvenile court in the case of a juvenile, for a violation of any of said laws other than regulations governing standing or parking, ~~and may recommend the suspension of the operator's license or permit of the person so convicted or reported.~~

Approved March 3, 1979

CHAPTER 417

HOUSE BILL NO. 1497
(Hanson)

TRAFFIC OFFENSE ADMINISTRATIVE HEARING

AN ACT to amend and reenact section 39-06.1-03 of the North Dakota Century Code, relating to an administrative hearing for disposition of traffic offenses.

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

SECTION 1. AMENDMENT.) Section 39-06.1-03 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-03. ADMINISTRATIVE HEARING - PROCEDURES - APPEALS - STAY ORDERS.)

1. If a person cited for a traffic violation, other than an offense listed in section 39-06.1-05, does not choose to follow one of the procedures set forth in section 39-06.1-02, he may request a hearing on the issue of his commission of the violation charged, ~~such~~ the 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 an appearance bond equal to the statutory fee for the violation charged.
3. If a person cited for a traffic violation, other than an offense listed in section 39-06.1-05, who has requested a hearing on the issue of the commission of the violation charged, appears at the time scheduled for the hearing and the state or city, as the case may be, does not appear or is not ready to prove the commission of a charged violation at the hearing, the official shall dismiss the charge.

4. If the official finds that the person had committed the traffic violation, he shall notify the licensing authority of that fact, and whether the person was driving more than nine miles per hour in excess of the lawful limit, stating specifically the miles per hour in excess of the lawful limit, if charged with a speeding violation, 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 in an action or proceeding involving that person's driving license or privilege.

- 3- 5. 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. Notice of appeal under this subsection shall be given within thirty days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that he adjudges that a violation has been committed. Otherwise, notice of appeal shall be in writing and filed with the official, and a copy of the notice shall be served upon the city attorney or state's attorney, as the case may be. An appeal taken under this subsection shall not operate to stay the reporting requirement of subsection 3, 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 subdivision 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 two dollars. 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 subdivision without notice to the appropriate prosecuting attorney. A person who violates or exceeds the restrictions contained in any temporary restricted driving certificate issued pursuant to this subdivision shall be guilty of a traffic violation and shall be assessed a fee of twenty dollars.

- 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.

4- 6. 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.

5- 7. As used in sections 39-06.1-02, 39-06.1-03, and 39-06.1-04, 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.

Approved March 3, 1979

CHAPTER 418

HOUSE BILL NO. 1628
(Thorsgard, Rued, Timm)

CARE REQUIRED, MOVING VIOLATIONS, AND LIGHTED LAMPS

AN ACT to create and enact a new subsection to section 39-06.1-06, a new paragraph to subdivision a of subsection 3 of section 39-06.1-10, and section 39-09-01.1 of the North Dakota Century Code, relating to the fee assessed for a care required violation, the points assessed for a care required violation, and care required in operation of a vehicle; and to amend and reenact sections 39-06.1-09 and 39-21-01 of the North Dakota Century Code, relating to definition of moving violation, and the use of lighted lamps on motor vehicles; and providing a penalty for improper use of lighted lamps.

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

SECTION 1.) A new subsection to section 39-06.1-06 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.

* SECTION 2. AMENDMENT.) Section 39-06.1-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-09. "MOVING VIOLATION" DEFINED.) For the purposes of section 39-06.1-06 and section 39-06.1-13, a "moving violation" means a violation of section 39-09-02, or an equivalent ordinance; 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; ~~39-10-2-02; 39-10-2-03; 39-10-2-04; 39-10-2-05; 39-10-2-06;~~ 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 or 39-21, or equivalent ordinances, except section 39-21-01 and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

* NOTE: Section 39-06.1-09 was also amended by section 77 of House Bill No. 1073, chapter 187, and by section 2 of House Bill No. 1449, chapter 419.

SECTION 3.) A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Failing to use the care 2 points
required in section
39-09-01.1, or
equivalent ordinance

SECTION 4.) Section 39-09-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-09-01.1. CARE REQUIRED IN OPERATING VEHICLE.) Any person driving a vehicle upon a highway shall drive the vehicle 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 may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.

* SECTION 5. AMENDMENT.) Section 39-21-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-01. WHEN LIGHTED LAMPS ARE REQUIRED - PENALTY.) Every vehicle upon a highway within this state at any time from ~~a--half-hour--after~~ sunset to ~~a--half-hour-before~~ sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of ~~five-hundred~~ one thousand feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Any person who violates the provisions of this section shall be assessed a fee of five dollars for each violation.

Approved April 7, 1979

* NOTE: Section 39-21-01 was also amended by section 1 of House Bill No. 1120, chapter 430, and by section 1 of Senate Bill No. 2272, chapter 431.

CHAPTER 419

HOUSE BILL NO. 1449
(Timm, Dietz, Kermott, Scofield, Wald)

SPEEDING AND MOVING VIOLATIONS

AN ACT to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to a graduated system of fines and points assessed against drivers' licenses for violation of the speed limit, and to the definition of moving violation, and removing certain violations related to motorcycles from that definition.

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

SECTION 1. AMENDMENT.) Section 39-06.1-06 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-06. AMOUNT OF STATUTORY FEES.) The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or section 39-06.1-03 shall be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee in the amount of ten dollars.
2. For a moving violation as defined in section 39-06.1-09, 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 {24.14 kilometers} per hour in excess of the lawful speed limit, a fee in the amount of forty dollars. the penalty shall be a fee and a point assessment against the driver's license as follows:~~

Speed (mph)	Fee (\$)	Points
56 - 60	\$ 5	0
61 - 65	\$ 5 plus \$1/each mph over 60	1
66 - 70	\$10 plus \$1/each mph over 65	2
71 - 75	\$15 plus \$2/each mph over 70	3
76 - 80	\$25 plus \$3/each mph over 75	4
81 - 90	\$40 plus \$3/each mph over 80	6

91 - 100	\$70 plus \$3/each mph over 90	8
101+	\$100 plus \$5/each mph over 100	12
<u>The provisions of paragraph (11) of subdivision a of subsection 3 of section 39-06.1-10 shall only apply to violations involving speed limits less than fifty-five miles per hour.</u>		

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee in the amount of thirty dollars.

* SECTION 2. AMENDMENT.) Section 39-06.1-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-09. "MOVING VIOLATION" DEFINED.) For the purposes of section 39-06.1-06 and section 39-06.1-13, a "moving violation" means a violation of section 39-09-02, or an equivalent ordinance; 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; ~~39-10-2-02; 39-10-2-03; 39-10-2-04; 39-10-2-05; 39-10-2-06;~~ 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 39-06.1-08.

Approved March 3, 1979

- * NOTE: Section 39-06.1-09 was also amended by section 77 of House Bill No. 1073, chapter 187, and by section 2 of House Bill No. 1628, chapter 418.

CHAPTER 420

HOUSE BILL NO. 1352
(Rued, Olson)

TRAFFIC OFFENSE POINT RECORDATION

AN ACT to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code, providing that traffic offenses, when the assigned number of points for violation are two or less, shall not be recorded on the driving record.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 39-06.1-10 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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, unless the number points assigned to the violation are two or less. If the number points assigned to the violation are two or less the violation and points shall not be entered on the driving record but shall be recorded separately, and the separate record shall not be available to the public. Points from violations in which the assigned number points are two or less shall be considered a part of the driving record only for purposes of point reduction pursuant to section 39-06.1-13 and for purposes of license suspension. 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 the operator's license, and ~~shall notify him that he may have~~ of the availability of 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 chapter, the licensing authority may also receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

Filed April 3, 1979

NOTE: This bill was vetoed by the Governor and subsequently approved by a two-thirds majority of the members of the House of Representatives and the Senate.

CHAPTER 421

HOUSE BILL NO. 1212
(Richie, Mattson)

INSURANCE COVERAGE INFORMATION

AN ACT to amend and reenact sections 39-08-06 and 39-08-07 of the North Dakota Century Code, relating to duty of drivers to give information and render aid and requiring drivers to give information concerning insurance coverage.

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

SECTION 1. AMENDMENT.) Section 39-08-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-06. DUTY TO GIVE INFORMATION AND RENDER AID.) The driver of any vehicle involved in an accident resulting in injury to or the death of any person or damage to any vehicle which is driven or attended by any person shall give ~~his~~ the driver's name, and address, and the name of the motor vehicle insurance policy carrier of the driver and owner, as well as the registration number, of the vehicle he--is--driving--and--shall--upon. Upon request, and if available, the driver of any vehicle involved in the accident shall exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any other vehicle ~~collided--with~~ involved in the accident and shall render to any person injured in ~~such~~ the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of ~~such~~ the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that ~~such~~ the treatment is necessary or if ~~such~~ the carrying is requested by the injured person.

SECTION 2. AMENDMENT.) Section 39-08-07 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-07. DUTY UPON STRIKING UNATTENDED VEHICLE - PENALTY.) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of ~~such~~ the vehicle of the name and address, as well as the name of the motor vehicle insurance

policy carrier, of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address, as well as the name of the motor vehicle insurance policy carrier, of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof of the collision. Any person violating this section is guilty of a class A misdemeanor.

Approved March 3, 1979

CHAPTER 422

HOUSE BILL NO. 1681
(Mushik)

NOTIFICATION OF NEXT OF KIN

AN ACT to create and enact section 39-08-10.1 of the North Dakota Century Code, relating to requiring notification of the next of kin following an accident involving death or serious injury.

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

SECTION 1.) Section 39-08-10.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-08-10.1. INVESTIGATING AGENCY RESPONSIBLE TO NOTIFY NEXT OF KIN.) In the event of serious injury to or death of any person, under circumstances leading to the notification of a law enforcement agency, the investigating law enforcement agency shall, upon positive identification of the person or persons involved, be responsible for immediately notifying the next of kin of the person or persons seriously injured or deceased, or make arrangements to have next of kin notified by clergy or other suitable person.

Approved March 19, 1979

CHAPTER 423

HOUSE BILL NO. 1648
(Rued, Wald)

ALCOHOLIC BEVERAGE CONSUMPTION IN HOUSE CARS

AN ACT to amend and reenact section 39-08-18 of the North Dakota Century Code, relating to the consumption and possession of alcoholic beverages in motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-08-18 of the 1977 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~~ section 5-01-01, 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. The provisions of this section shall not prohibit the consumption or possession of alcoholic beverages in a house car, as defined by subsection 21.1 of section 39-01-01, if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving

compartment by a solid partition, door, curtain, or some similar means of separation, however, consumption is not authorized while the house car is in motion. 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.

Not approved or disapproved by the Governor

Filed March 22, 1979

CHAPTER 424

HOUSE BILL NO. 1592
(Gackle)

RED AND WHITE LIGHTS ON EMERGENCY VEHICLES

AN ACT to amend and reenact subsection 2 of section 39-10-03 of the North Dakota Century Code, relating to equipment on class A authorized emergency vehicles; and to repeal subsection 4 of section 39-10-03.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 39-10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The exceptions herein granted to a class A authorized emergency vehicle shall apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and when giving audible signal by siren or when giving adequate warning by use of a flashing red ~~light~~ or combination red and white lights which ~~is~~ are visible under normal atmospheric conditions for at least five hundred feet;
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red ~~light~~ or combination red and white lights which ~~is~~ are visible under normal atmospheric conditions for at least five hundred feet.

SECTION 2. REPEAL.) Subsection 4 of section 39-10-03 of the North Dakota Century Code is hereby repealed.

Approved March 3, 1979

CHAPTER 425

HOUSE BILL NO. 1419
(Winkjer)

MOTOR VEHICLE INSURANCE LIABILITY LIMITS

AN ACT to amend and reenact section 39-16-05 and subsection 2 of section 39-16.1-11 of the North Dakota Century Code, relating to the minimum liability limits in automobile insurance policies under the financial responsibility laws.

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

* SECTION 1. AMENDMENT.) Section 39-16-05 of the 1977 Supplement to 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~~ four 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 sections 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 that 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

* NOTE: Section 39-16-05 was also amended by section 2 of House Bill No. 1458, chapter 404, and by section 9 of House Bill No. 1283, chapter 405.

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~~ twenty-five 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~~ fifty 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~~ ten 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.) Subsection 2 of section 39-16.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Such owner's policy of liability insurance:

- a. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and
- b. Shall insure the person named therein and any other person, as insured, using such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: ~~ten~~ twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and subject to said limit for one person, ~~twenty~~ fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~five~~ ten thousand dollars because of injury to or destruction of property of others in any one accident.

Approved March 13, 1979

* NOTE: Subsection 2 of section 39-16.1-11 was also amended by section 5 of House Bill No. 1458, chapter 404.

CHAPTER 426

SENATE BILL NO. 2073
(Legislative Council)
(Interim Committee on Legislative Audit and Fiscal Review)

UNSATISFIED JUDGMENT FUND ADMINISTRATIVE EXPENSES

AN ACT to amend and reenact section 39-17-02 of the North Dakota Century Code, relating to unsatisfied judgment fund administrative expenses.

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

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

39-17-02. UNSATISFIED JUDGMENT FUND ESTABLISHED - ADMINISTRATION OF THE FUND BY THE COMMISSIONER OF INSURANCE - WHEN COLLECTION OF FEE SUSPENDED.) The fees paid pursuant to section 39-17-01 shall be deposited with the state treasurer, who shall credit the same to the unsatisfied judgment fund. Such fund shall be administered by the commissioner of insurance who shall perform all duties and responsibilities in regard to such fund not otherwise delegated to the attorney general or the state treasurer under the provisions of this chapter. The attorney general shall appoint a special assistant attorney general as legal counsel for such fund pursuant to section 54-12-08 and such special assistant attorney general is hereby authorized to perform all the duties and responsibilities in regard to such fund delegated to the attorney general under the provisions of this chapter. Judgments recovered under the provisions of this chapter shall be paid from moneys deposited in the unsatisfied judgment fund under the provisions of this section and such moneys are hereby appropriated for such purpose. ~~It is also provided that there shall be a continuing appropriation out of the fund of all moneys required for administration purposes but not to exceed thirty-five thousand dollars annually for administration of the unsatisfied judgment fund.~~ The expenses arising from administration of the fund shall be paid from the fund within the limits of legislative appropriation. If on the first day of June in any year the amount of uncommitted money standing to the credit of the unsatisfied judgment fund is three hundred thousand dollars or more, the requirement for the payment of such fee shall be suspended during the succeeding year and until such year in which, on the first day of June of the previous year, the uncommitted amount of such fund is less than three hundred thousand dollars when such fee shall be reimposed and collected as provided herein.

Approved March 13, 1979

CHAPTER 427

SENATE BILL NO. 2244
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

DEPOSIT OF REGISTRATION FEES

AN ACT to create and enact a new section to chapters 39-18, 39-22, and 39-22.1 of the North Dakota Century Code, relating to the disposition of mobile home dealer fees, motor vehicle dealer fees, and semitrailer dealer fees.

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

SECTION 1.) A new section to chapter 39-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

DISPOSITION OF FEES.) Fees from registration of dealers shall be deposited with the state treasurer and credited to the motor vehicle registration fund.

SECTION 2.) A new section to chapter 39-22 of the North Dakota Century Code is hereby created and enacted to read as follows:

DISPOSITION OF FEES.) Fees from registration of dealers shall be deposited with the state treasurer and credited to the motor vehicle registration fund.

SECTION 3.) A new section to chapter 39-22.1 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

DISPOSITION OF FEES.) Fees from registration of dealers shall be deposited with the state treasurer and credited to the motor registration fund.

Approved March 12, 1979

CHAPTER 428

HOUSE BILL NO. 1470
(Mushik, Herman)

MOBILE HOME SALES BY REAL ESTATE BROKERS

AN ACT to amend and reenact section 39-18-08 of the North Dakota Century Code, relating to the sale of mobile homes by real estate brokers.

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

SECTION 1. AMENDMENT.) Section 39-18-08 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-08. SALES BY ~~REALTORS~~ REAL ESTATE BROKER OF USED MOBILE HOMES.) Notwithstanding any other provision of law, a person licensed as a real estate broker may sell or offer to sell, buy or offer to buy, solicit prospective purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of any mobile home if the mobile home ~~has--been--registered--under--the provisions--of--this--chapter--for--at--least--two--years~~ is at least two years older than the current year model mobile homes.

No real estate broker who engages in the activities authorized by this section shall maintain any place of business where two or more mobile homes are displayed and offered for sale by such person, unless said broker is also licensed as a mobile home dealer pursuant to this chapter.

Approved March 3, 1979

CHAPTER 429

HOUSE BILL NO. 1636
(Representatives Gorder, Peltier)
(Senators Tallackson, Vosper)

INTERNATIONAL REGISTRATION PLAN AND MULTISTATE RECIPROCAL AGREEMENT

AN ACT to create and enact a new section to chapter 39-19 of the North Dakota Century Code, relating to requiring the state highway department to join the international registration plan and the multistate reciprocal agreement.

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

SECTION 1.) A new section to chapter 39-19 of the North Dakota Century Code is hereby created and enacted to read as follows:

INTERNATIONAL REGISTRATION PLAN - MULTISTATE RECIPROCAL AGREEMENT - EFFECTIVE DATE.) The North Dakota state highway department, or a designated agency of the department acting directly or through the department, shall make application to join the international registration plan and the multistate reciprocal agreement, and is authorized to expend the necessary fees required for membership. Application shall be appropriately made by January of 1980 and, if accepted, the effective date of membership shall be January 1, 1981.

Approved March 21, 1979

CHAPTER 430

HOUSE BILL NO. 1120
(Rued)

MOTOR VEHICLE LIGHTS

AN ACT to amend and reenact section 39-21-01 of the North Dakota Century Code, relating to the use of lighted lamps on motor vehicles.

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

* SECTION 1. AMENDMENT.) Section 39-21-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-01. WHEN LIGHTED LAMPS ARE REQUIRED.) Every vehicle upon a highway within this state at any time from ~~a-half-hour--after~~ sunset to ~~a-half-hour-before~~ sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

Approved March 3, 1979

* NOTE: Section 39-21-01 was also amended by section 5 of House Bill No. 1628, chapter 418, and by section 1 of Senate Bill No. 2272, chapter 431.

CHAPTER 431

SENATE BILL NO. 2272
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTOR VEHICLE EQUIPMENT

AN ACT to create and enact three new sections to chapter 39-21 of the North Dakota Century Code, relating to additional lighting equipment on vehicles, vehicular hazard warning signals, and the duration of the department's approval of equipment; to create and enact two new sections to chapter 39-27 of the North Dakota Century Code, relating to lights and brakes on motor-driven cycles; to amend and reenact sections 39-21-01, 39-21-03, subsection 2 of section 39-21-04, sections 39-21-05, 39-21-06, subsection 1 of section 39-21-10, subsection 1 of section 39-21-11, sections 39-21-13, 39-21-14, 39-21-15, 39-21-16, subsections 1 and 4 of section 39-21-17, sections 39-21-19, 39-21-20, subsection 2 of section 39-21-21, subsection 1 of section 39-21-25, sections 39-21-29, 39-21-30, 39-21-31, 39-21-35, 39-21-36, 39-21-39, 39-21-41, 39-21-41.1, 39-21-42, 39-21-43, 39-21-44, 39-21-45, 39-21-46, and 39-21-50 of the North Dakota Century Code, relating to when lamps are required, head lamps on motor vehicles, location of tail lamps, reflectors on new motor vehicles, stop lamps and turn signals on new motor vehicles, location of reflectors, visibility of reflectors, lamp on projecting loads, lamps on parked vehicles, lamps and reflectors on farm equipment, lamps on vehicles not covered by other sections, spot lamps, auxiliary driving lamps, signal lamps and devices, multiple beam road lighting equipment, use of multiple beam road lighting equipment, the required number of head lamps; selling or using lamps and related equipment, department approval of equipment, revocation of approval of equipment, hydraulic brake fluid specifications, horns and warning devices, windshields on vehicles, safety glazing material, safety belt requirements, when vehicles must carry flares, display of warning devices, vehicles transporting explosives, air conditioning equipment, scope and effect of regulations, and the slow-moving vehicle emblem; and to repeal sections 39-21-23 and 39-21-34 of the North Dakota Century Code, relating to headlights and brakes on motor-driven cycles.

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

* SECTION 1. AMENDMENT.) Section 39-21-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-01. WHEN LIGHTED LAMPS ARE REQUIRED.)

1. Every vehicle upon a highway within this state at any time from ~~a--half-hour--after~~ sunset to ~~a--half-hour--before~~ sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons, and vehicles on the highway are not clearly discernible at a distance of five-hundred one thousand feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.
2. Stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices.

SECTION 2. AMENDMENT.) Section 39-21-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-03. HEAD LAMPS ON MOTOR VEHICLES.)

1. Every motor vehicle ~~either---than---a--motorcycle--or--motor-driven-vehicle~~ shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.
 2. ~~Every--motorcycle--and--every--motor-driven-vehicle--shall--be--equipped--with--at--least--one--and--not--more--than--two--head--lamps---which--shall--comply--with--the--requirements--and--limitations--of--this--chapter.~~
- 3- 2. Every head lamp upon every motor vehicle, ~~including every motorcycle and motor-driven-vehicle,~~ shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in subsection 2 of section 39-21-02.

SECTION 3. AMENDMENT.) Subsection 2 of section 39-21-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 4. AMENDMENT.) Section 39-21-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * NOTE: Section 39-21-01 was also amended by section 5 of House Bill No. 1628, chapter 418, and by section 1 of House Bill No. 1120, chapter 430.

39-21-05. NEW MOTOR VEHICLES TO BE EQUIPPED WITH REFLECTORS.)

1. Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors, ~~except that every motoreyele and every motor-driven eyele shall carry at least one reflector,~~ meeting the requirements of this section, and except that vehicles of the type mentioned in section 39-21-08 shall be equipped with reflectors as required in ~~these sections applicable thereto~~ applicable sections.
2. Every such reflector shall be mounted on the vehicle at a height not less than ~~twenty~~ fifteen inches nor more than sixty inches measured as set forth in subsection 2 of section 39-21-02, and shall be of ~~such~~ size and characteristics and so mounted as to be visible as required in section 39-21-11.

SECTION 5. AMENDMENT.) Section 39-21-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-06. STOP LAMPS AND TURN SIGNALS REQUIRED ON NEW MOTOR VEHICLES.)

1. No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1964, unless it is equipped with at least two stop lamps meeting the requirements of section 39-21-19, except that a ~~motoreyele, ---motor-driven---eyele---or~~ truck tractor manufactured or assembled after ~~said date~~ said date January 1, 1964, shall be equipped with at least one stop lamp meeting the requirements of ~~said~~ section 39-21-19.
2. No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1952, unless it is equipped with electrical turn signals in good working order, meeting the requirements of section 39-21-19. This subsection shall not apply to any ~~motoreyele, ---motor-driven-eyele, or~~ trailer or semitrailer of less than three thousand pounds gross weight.

SECTION 6.) A new section to chapter 39-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

ADDITIONAL LIGHTING EQUIPMENT.)

1. Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other

lamps, but the back-up lamp or lamps shall not be lighted when the vehicle is in a forward motion.

2. Any vehicle may be equipped with one or more side marker lamps which may be flashed in conjunction with turn signals or vehicular hazard warning signals.

SECTION 7. AMENDMENT.) Subsection 1 of section 39-21-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 8. AMENDMENT.) Subsection 1 of section 39-21-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Every reflector upon any vehicle referred to in section 39-21-08 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful ~~upper~~ lower beams of head lamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

SECTION 9. AMENDMENT.) Section 39-21-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-13. LAMP OR FLAG ON PROJECTING LOAD.) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of ~~such the~~ vehicle there shall be displayed at the extreme rear end of the load, at the ~~time~~ times specified in section 39-21-01, a red light or lantern plainly visible from a distance of at least six hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of ~~such a~~ load a red flag

or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

SECTION 10. AMENDMENT.) Section 39-21-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-14. LAMPS ON PARKED VEHICLES.)

1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half-hour after sunset and a half-hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of ~~five--hundred~~ one thousand feet upon such street or highway no lights need be displayed ~~upon--such parked-vehicle.~~
2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half-hour after sunset and a half-hour before sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, ~~such-vehicle-so-parked-or stopped the vehicle~~ shall be equipped with ~~one-or-more lamps-meeting-the-following--requirements+~~ at least one lamp shall--display displaying a white or amber light visible from a distance of one thousand feet to the front of the vehicle, ~~and-the.~~ The same lamp or at least one other lamp shall display a red light visible from a distance of one thousand feet to the rear of the vehicle, and the location of ~~said~~ the lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. Local authorities may provide by ordinance that no lights need be displayed upon any ~~such~~ motor vehicle when parked upon a highway where the speed limit in effect does not exceed thirty miles per hour in accordance with local ordinances, or where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway. ~~The--foregoing provisions-shall-not-apply-to-a-motor-driven-eyele-~~
3. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

SECTION 11. AMENDMENT.) Section 39-21-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-15. LAMPS, REFLECTORS, AND REFLECTIVE MATERIALS ON FARM TRACTORS, FARM EQUIPMENT, AND IMPLEMENTS OF HUSBANDRY.) Every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry, manufactured or assembled after January 1, 1980, shall at all times, and every farm tractor, self-propelled unit of farm

equipment, or towed implement of husbandry shall, when operated upon the highways of this state during the times mentioned in section 39-21-01, shall be equipped as follows:

1. Tractors and self-propelled units of farm equipment shall be equipped with two single-beam or multiple-beam head lamps meeting the requirements of section 39-21-20 or section 39-21-22, provided, that a tractor or self-propelled unit of farm equipment which is not equipped with an electrical system shall be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than one thousand feet to the front of ~~such~~ the vehicle. Every tractor and self-propelled unit of farm equipment shall be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet to the rear of ~~such~~ the vehicle. In addition, every tractor and every self-propelled unit of farm equipment shall be equipped with two red reflectors visible from all distances from six hundred feet to one hundred feet to the rear when directly in front of lawful ~~upper~~ lower beams of head lamps.
2. Every towed unit of farm equipment or implement of husbandry shall be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet to the rear or two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful ~~upper~~ lower beams of head lamps. In addition, if the extreme left projection of ~~such~~ a towed unit of farm equipment or implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle, ~~such~~ the unit or implement shall be equipped with at least one amber lamp or reflector mounted to indicate as nearly as practicable the extreme left projection and visible from all distances within six hundred feet to one hundred feet to the front ~~thereof~~ when illuminated by the ~~upper~~ lower beams of head lamps and at least one red lamp reflector so mounted and visible from ~~such~~ the same distances to the rear.

The lamps and reflectors required by this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing ~~such~~ the vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, ~~such~~ the lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of ~~said~~ the vehicle shall be indicated as nearly as is practicable. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required in subsection 2.

SECTION 12. AMENDMENT.) Section 39-21-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 13. AMENDMENT.) Subsection 1 of section 39-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used ~~upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle~~ so that no part of the high intensity portion will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

SECTION 14. AMENDMENT.) Subsection 4 of section 39-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 15. AMENDMENT.) Section 39-21-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-19. SIGNAL LAMPS AND SIGNAL DEVICES.)

1. Any motor vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than ~~one~~ three hundred

feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may, but need not be, incorporated with one or more other rear lamps.

2. Any motor vehicle may be equipped and when required under this chapter shall be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. ~~Such~~ The lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than ~~one~~ three hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than ~~one~~ three hundred feet to the rear in normal sunlight. Any motor vehicle or combination of vehicles eighty inches or more in ~~over-all~~ overall width, and manufactured or assembled after January, 1964, shall be equipped with the lamps required by this subsection mounted and spaced in the same manner but visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. When actuated ~~such the~~ lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.
3. No stop lamp or signal lamp shall project a glaring light.

SECTION 16.) A new section to chapter 39-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

VEHICULAR HAZARD WARNING SIGNALS.)

1. Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
2. After January 1, 1980, every bus, truck, truck-tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.
3. Vehicular hazard warning signal lamps used to display warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall

display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight.

SECTION 17. AMENDMENT.) Section 39-21-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-20. MULTIPLE-BEAM ROAD-LIGHTING EQUIPMENT.) Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles ~~other than motoreyeles or motor-driven-eyeles~~ shall be so arranged that the driver may select at will between distributions of light projected to different elevations and ~~such~~ these lamps may, in addition, be so arranged that ~~such~~ selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of ~~such~~ sufficient intensity as to reveal persons and vehicles at a distance of at least ~~three~~ four hundred fifty feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred fifty feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
3. Every new motor vehicle, ~~other--than--a--motoreyele or motor-driven-eyeles~~, registered in this state, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. ~~Said~~ The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

SECTION 18. AMENDMENT.) Subsection 2 of section 39-21-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Whenever the driver of a vehicle follows another vehicle within ~~two~~ three hundred feet to the rear,--~~except--when engaged--in--the--act--of--overtaking--and--passing--such~~ the driver shall use a distribution of light permissible under

this chapter other than the uppermost distribution of light specified in subsection 1 of section 39-21-20.

SECTION 19. AMENDMENT.) Subsection 1 of section 39-21-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. At all times specified in section 39-21-01 at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle ~~other than a motor cycle or motor-driven cycle~~, except when such a vehicle is parked subject to the regulations governing lights on parked vehicles.

SECTION 20. AMENDMENT.) Section 39-21-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-29. SELLING OR USING LAMPS OR EQUIPMENT.)

1. No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, pole trailer, or semitrailer, or use upon ~~any such vehicle~~ these vehicles any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp, or required reflector, ~~which reflector is required hereunder~~, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been approved by the ~~registrar~~ department. The ~~foregoing~~ provisions of this ~~section~~ subsection shall not apply to equipment in actual use or replacement parts when this section is adopted ~~or replacement parts therefor~~.
2. No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, pole trailer, or semitrailer any lamp or device mentioned in this section which has been approved by the ~~registrar~~ department unless ~~such~~ the lamp or device bears ~~thereon~~ the trademark or name under which it is approved so as to be legible when installed.
3. No person shall use upon any motor vehicle, trailer, pole trailer, or semitrailer any lamps mentioned in this section unless ~~said~~ the lamps are mounted, adjusted, and aimed in accordance with instructions of the ~~registrar~~ department.

SECTION 21. AMENDMENT.) Section 39-21-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-30. AUTHORITY OF REGISTRAR-WITH-REFERENCE-TO-LIGHTING DEVICES DEPARTMENT.)

1. The ~~registrar~~ department may approve or disapprove any lighting devices ~~and~~ or other safety equipment, component,

or assembly, even though the device is of a type for which approval is not specifically required in this Act. The department may issue and enforce regulations establishing standards and specifications for the approval of such the lighting devices, safety equipment, components, or assemblies, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such The regulations shall correlate with and, so far as practicable, conform to the then current applicable standards and specifications of the Society of Automotive Engineers applicable-to-such-equipment.

2. The registrar department shall approve or disapprove any lighting device or other safety equipment, component, or assembly, of a type on which approval is specifically required in this chapter, within a reasonable time after such the device has been submitted.
3. The registrar department may set up the procedure which shall be followed when approval is sought for any lighting device or safety equipment, component, or assembly. The procedure may provide for submission of the device, equipment, component, or assembly to the American Association of Motor Vehicle Administrators, the Society of Automotive Engineers, or other appropriate testing agency as the agent of the department and for the issuance of an approval certificate by the testing agency in the name of the department in lieu of submission of the device, equipment, component, or assembly to the department. Approval by the testing agency shall have the same force and effect as if it had been issued by the department.
4. The registrar department upon approving any such-lamp-or device, equipment, component, or assembly shall issue to the applicant a certificate of approval together with any instructions determined by him the department. The department shall maintain lists of all devices, components, or assemblies which it has approved.

SECTION 22. AMENDMENT.) Section 39-21-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-31. REVOCATION OF CERTIFICATE OF APPROVAL ~~ON-LIGHTING DEVICES~~.) When the registrar department has reason to believe that an approved lighting device as or other safety equipment, component, or assembly being sold commercially does not comply with the requirements of this chapter, he the department may, after giving thirty days' previous notice to the person holding the certificate of approval for such the device in this state, conduct a hearing upon the question of compliance of said the approved device. After said the hearing the registrar department shall determine whether said the approved device meets the requirements of this chapter. If said the device does not meet the requirements of this chapter he

the department shall give notice to the person holding the certificate of approval for such the device in this state of its intention to revoke the approval.

If at the expiration of ninety days after ~~such~~ notice the person holding the certificate of approval for ~~such the~~ device has failed to satisfy the ~~registrars~~ department that ~~said~~ the approved device ~~as-thereafter~~ to be sold meets the requirements of this chapter, the ~~registrars~~ department shall suspend or revoke the approval issued ~~therefor-until-or-unless-such-device-is--resubmitted-to-and-retested-by-an-authorized-testing-agency-and-is-found-to-meet-the--requirements--of--this--chapter,--and~~ for the device. The department may require that all-said devices sold since after the notification following the hearing be replaced with devices that do comply with the requirements of this chapter and shall require the withdrawal of those devices from the market.

When an approval has been suspended or revoked pursuant to this section, the device shall not again be approved unless and until it has been submitted for approval and it has been demonstrated, in the same manner as in an application for an original approval, that the device meets the requirements of this chapter. The ~~registrars~~ department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of ~~such the~~ approved devices, and if ~~such the~~ device upon ~~such~~ retest fails to meet the requirements of this chapter, the ~~registrars~~ department may refuse to renew the certificate of approval of ~~such the~~ device. The department may require that all previously approved devices be effectively recalled and removed from the market as a condition for reapproval.

SECTION 23.) A new section to chapter 39-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

DURATION OF APPROVAL.) Approvals of lighting devices or other safety equipment, components, or assemblies shall remain valid unless revoked under section 39-21-31 or unless the department requires them to be renewed by regulation.

SECTION 24. AMENDMENT.) Section 39-21-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-35. HYDRAULIC BRAKE FLUID.)

1. The term "hydraulic brake fluid", as used in this section ~~shall-mean,~~ means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.
2. Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

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

- 4- 3. No person shall distribute, have for sale, offer for sale, sell, or service any vehicle with any hydraulic brake fluid unless it complies with the requirements of this section has been approved by the department under the procedures set forth in section 39-21-30.

SECTION 25. AMENDMENT.) Section 39-21-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-36. HORNS AND WARNING DEVICES.)

1. While being operated upon a highway, every motor vehicle shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. Whenever reasonably necessary for safe operation, the driver of a motor vehicle upon a highway shall give audible warning with his horn, but shall not otherwise use his horn while upon a highway.
2. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.
3. Any ~~commercial~~ vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
4. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the ~~registrar~~ department, but such the siren shall not be used except when such the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which ~~said-latter~~ events the driver of such the vehicle shall sound said the siren when reasonably necessary to warn pedestrians and other drivers of ~~the approach thereof~~ approaching vehicles.

SECTION 26. AMENDMENT.) Section 39-21-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-39. WINDSHIELDS REQUIRED - MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS.)

1. Every motor vehicle shall be equipped with a windshield. No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows ~~ef--such vehiele~~ which obstructs the driver's clear view of the highway or any intersecting highway.
2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which ~~devise~~ shall be so constructed as to be controlled or operated by the driver of the vehicle.
3. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

SECTION 27. AMENDMENT.) Section 39-21-41 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-41. SAFETY GLAZING MATERIAL IN MOTOR VEHICLES.)

1. No person shall sell any new motor vehicle ~~as--specified herein~~, nor shall any new motor vehicle ~~as--specified herein~~ be registered, unless ~~such-vehiele~~ it is equipped with safety glazing material of a type approved by the ~~registrax~~ department wherever glazing material is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows, and windshields in the drivers' ~~compartment--ef--such-vehieles~~ compartment.
2. The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.
3. The ~~registrax~~ department shall ~~empie--and--publish~~ maintain a list of types of glazing material by name approved by ~~him~~ it as meeting the requirements of this section and shall not register after January 1, 1964 any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and ~~he~~ it shall thereafter suspend the registration of any motor vehicle ~~so~~ subject to this section which ~~he~~ it finds is not ~~so~~ equipped until

it is made to conform to the requirements of this section. The requirements of this section shall not apply to antique automobiles licensed under provision of ~~section 39-04-43~~ chapter 39-04.

SECTION 28. AMENDMENT.) Section 39-21-41.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

~~39-21-41.1. SAFETY BELTS.) It is unlawful for any person to buy, sell, lease, trade or transfer from or to North Dakota residents at retail an automobile, which is manufactured or assembled in 1966 or subsequent years, unless such vehicle is equipped with safety belts installed for use in the left front and right front seats thereof. All such safety belts must be of a type and must be installed in a manner approved by the motor vehicle registrar. The registrar shall establish specifications and requirements for approved types of safety belts and attachments thereto, which as far as possible, shall conform to the specifications of the Society of Automotive Engineers.~~

1. Every passenger car manufactured or assembled after January 1, 1965 shall be equipped with lap belt assemblies for use in the driver's and one other front seating position.
2. All motor vehicles manufactured after January 1, 1968 shall be equipped with any lap or shoulder belt required at the time the vehicle was manufactured by standards of the United States Department of Transportation. Nothing in this subsection shall affect the requirement in subsection 1 for a lap belt in the driver's seating position.
3. The department may except specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections 1 and 2 when compliance would be impractical.
4. No person shall install, distribute, have for sale, offer for sale, or sell any belt for use in motor vehicles unless it meets current minimum standards and specifications of the United States Department of Transportation.
5. Every owner shall maintain belts and assemblies required by this section in proper condition and in a manner that will enable occupants to use them.

SECTION 29. AMENDMENT.) Section 39-21-42 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-42. CERTAIN VEHICLES TO CARRY FLARES OR OTHER WARNING DEVICES.)

1. No person shall operate any motor truck, passenger bus, or truck tractor, or any motor vehicle towing a house trailer, upon any highway outside the corporate limits of municipalities at any time from a half-hour after sunset to a half-hour before sunrise unless there shall be carried in ~~such~~ the vehicle the following equipment except as provided in subsection 2:
 - a. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet [182.88 meters] under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless ~~such--equipment~~ it is of a type which has been submitted to the ~~registerar~~ department and approved by ~~him~~ it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it shall meet the requirements of the National Highway Traffic Safety Administration motor vehicle safety standard number 125 or unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] under normal atmospheric conditions at night when directly in front of lawful ~~upper~~ lower beams of head lamps, and unless it is of a type which has been submitted to the ~~registerar~~ department and approved by ~~him~~ it.
 - b. At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.
 - c. At least two red-cloth flags, not less than twelve inches [30.48 centimeters] square, with standards to support such flags.
2. No person shall operate at the time and under conditions stated in subsection 1 any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in ~~such~~ the vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection 1, and

there shall not be carried in any-said the vehicle any flares, fusees, or signal produced by flame.

SECTION 30. AMENDMENT.) Section 39-21-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-43. DISPLAY OF WARNING DEVICES WHEN VEHICLE DISABLED.)

1--Whenever--any--motor--truck,--passenger--bus,--truck--tractor,--trailer,--semitrailer--or--pole--trailer,--or--any--motor--vehicle--towing--a--house--trailer,--is--disabled--upon--the--traveled--portion--of--any--highway--or--the--shoulder--thereof--outside--of--any--municipality--at--any--time--when--lighted--lamps--are--required--on--vehicles--the--driver--of--such--vehicle--shall--display--the--following--warning--devices--upon--the--highway--during--the--time--the--vehicle--is--so--disabled--on--the--highway--except--as--provided--in--subsection--2+

a--A--lighted--fusee,--a--lighted--red--electric--lantern--or--a--portable--red--emergency--reflector--shall--be--immediately--placed--at--the--traffic--side--of--the--vehicle--in--the--direction--of--the--nearest--approaching--traffic;

b--As--seen--thereafter--as--possible--but--in--any--event--within--the--burning--period--of--the--fusee--(fifteen--minutes),--the--driver--shall--place--three--liquid--burning--flares--(pot--torches),--or--three--lighted--red--electric--lanterns--or--three--portable--red--emergency--reflectors--on--the--traveled--portion--of--the--highway--in--the--following--order:

(1)--One--approximately--one--hundred--feet--from--the--disabled--vehicle--in--the--center--of--the--lane--occupied--by--such--vehicle--and--toward--traffic--approaching--in--that--lane;

(2)--One--approximately--one--hundred--feet--in--the--opposite--direction--from--the--disabled--vehicle--and--in--the--center--of--the--traffic--lane--occupied--by--such--vehicle;

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

2--Whenever--any--vehicle--referred--to--in--this--section--is--disabled--within--five--hundred--feet--of--a--curve,--hillcrest--or--other--obstruction--to--view,--the--warning--signal--in--that--direction--shall--be--so--placed--as--to--afford--ample--warning--to

other--users--of-the-highway--but-in-no-case-less-than-one hundred-feet--nor-more-than--five--hundred--feet--from--the disabled-vehicle.

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

a.--One--at--a--distance-of-approximately-two-hundred-feet from-the-vehicle-in-the-center-of-the-lane-occupied-by the--stopped--vehicle--and-in-the-direction-of-traffic approaching-in-that-lane;

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

c.--One---at---the---traffic---side---of---the---vehicle---and approximately--ten--feet--from--the--vehicle--in---the direction-of-the-nearest-approaching-traffic.

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

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

a.--One--red--electric--lantern--or-portable-red-emergency reflector-placed-on-the-roadway-at-the-traffic-side-of the-vehicle,--and

b.--Two--red-electric-lanterns-or-portable-red-reflectors, one-placed-approximately-one-hundred-feet-to-the-front and--one--placed-approximately-one-hundred-feet-to-the rear-of-this-disabled-vehicle-in--the--center--of--the traffic-lane-occupied-by-such-vehicle.

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

~~6.--The--flares,--fusees,--red--electric--lanterns,--portable--red--emergency--reflectors--and--flags--to--be--displayed--as--required--in--this--section--shall--conform--with--the--requirements--of--section--39--21--42--applicable--thereto--~~

1. Whenever any truck, bus, truck-tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of this chapter. The lamps need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections 2 through 8 are in place.

2. Whenever any vehicle of a type referred to in subsection 1 is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of the vehicle shall display the following warning devices except as provided in subsection 3:

a. A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

b. As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:

(1) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane.

(2) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(3) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward

thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subdivision it may be used for this purpose.

3. Whenever any vehicle referred to in this section is disabled, or stopped for more than ten minutes, within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning device in the direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle.
4. Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections 2 and 3 shall be placed as follows: one at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.
5. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than ten minutes, at any time and place mentioned in subsections 2, 3, or 4, the driver of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified in subsections 2, 3, or 4. Flares, fusees, or signals produced by flame shall not be used as warning devices for vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.
6. The warning devices described in subsections 2 through 5 need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand feet.
7. Whenever any vehicle described in this section is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are

not required by section 39-21-01 the driver of the vehicle shall display two red flags as follows:

- a. If traffic on the roadway moves in two directions, one flag shall be placed approximately one hundred feet to the rear and one flag approximately one hundred feet in advance of the vehicle in the center of the lane occupied by the vehicle.
 - b. Upon a one-way roadway, one flag shall be placed approximately one hundred feet and one flag approximately two hundred feet to the rear of the vehicle in the center of the lane occupied by the vehicle.
8. When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place mentioned in this section, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
9. The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the applicable requirements of section 39-21-42.

SECTION 31. AMENDMENT.) Section 39-21-44 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-44. VEHICLES TRANSPORTING EXPLOSIVES OR HAZARDOUS MATERIALS.) Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

1. Said The vehicle shall be marked or placarded on each side and the rear with the word "Explosives" or the words "hazardous materials" as appropriate in letters not less than eight inches high, or there shall be displayed on the rear of such the vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.
2. Every--said The vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle ~~se-used~~.
3. The-registrar-shall-promulgate-such-additional-regulations governing--the--transportation-of-explosives--and--other dangerous--articles--by--vehicles--upon-the-highways-as-he shall-deem-advisable-for-the-protection-of--the--public. The department shall promulgate such rules as may be necessary for the safe transportation of hazardous

materials. Rules shall duplicate or be consistent with current Hazardous Materials Regulations of the United States Department of Transportation. The department is authorized to adopt the Hazardous Materials Regulations by reference and any adoption shall be construed to incorporate amendments as may be made from time to time.

SECTION 32. AMENDMENT.) Section 39-21-45 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-45. AIR-CONDITIONING EQUIPMENT.)

1. The term "air-conditioning equipment", as used or referred to in this section ~~shall--mean~~ means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.
2. ~~Such~~ Air-conditioning equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.
3. The ~~registerar~~ department may adopt and enforce safety requirements, ~~regulations~~ rules, and specifications consistent with the requirements of this section applicable to ~~such~~ equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to ~~such~~ air-conditioning equipment approved by the Society of Automotive Engineers.
4. No person shall have for sale, offer for sale, sell, or equip any motor vehicle with any ~~such~~ air-conditioning equipment unless it complies with the requirements of this section.
5. No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless ~~said~~ the equipment complies with the requirements of this section.

SECTION 33. AMENDMENT.) Section 39-21-46 of the 1977 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~~ guilty of an infraction.

2. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
3. The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as ~~herein~~ specifically made applicable.
4. The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles, except as specifically made applicable.
5. The provisions of this chapter and regulations of the department shall not apply to vehicles moved solely by human power, except as specifically made applicable.

SECTION 34. AMENDMENT.) Section 39-21-50 of the 1977 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 ~~[40.23 kilometers]~~ an hour or less, shall display either a triangular slow-moving vehicle emblem or a rotating or flashing amber light, as authorized for class B emergency vehicles, whenever ~~it is~~ traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. ~~Such~~ The emblem or light shall be mounted so as to be visible from a distance of not less than five hundred feet ~~[152.4 meters]~~ to the rear. The highway commissioner shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem and light. 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 35.) A new section to chapter 39-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

LIGHTING EQUIPMENT ON MOTOR-DRIVEN CYCLES.) The head lamp or head lamps upon every motor-driven cycle may be of the single beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five miles per hour.
2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in subsection 1 of section 39-21-20 and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in subsection 2 of section 39-21-20.
3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

SECTION 36.) A new section to chapter 39-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

BRAKES ON MOTOR-DRIVEN CYCLES.) The department may require an inspection of the brake on any motor-driven cycle and may disapprove any brake which is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

SECTION 37. REPEAL.) Sections 39-21-23 and 39-21-34 of the North Dakota Century Code are hereby repealed.

Approved March 23, 1979

CHAPTER 432

SENATE BILL NO. 2093
(Jones)

TIRE EQUIPMENT RESTRICTIONS

AN ACT to amend and reenact subsection 3 of section 39-21-40 of the North Dakota Century Code, relating to restrictions on tire equipment.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 39-21-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions. It shall also be permissible to use, from October fifteenth to April fifteenth, pneumatic tires which have metal studs which do not project more than one-sixteenth of an inch [1.59 millimeters] beyond the tread of the traction surface of the tire, except that it shall be permissible to use such tires on school buses at any time during the year.

Approved March 7, 1979

CHAPTER 433

SENATE BILL NO. 2366
(Melland)

WHEN BID BOND NOT REQUIRED

AN ACT to eliminate requirements for a bid bond in certain bids submitted to the state and its political subdivisions by eliminating the requirement of a bid bond or certified check in bidding on vehicles if the bidder is already bonded.

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

SECTION 1. WHEN BID BONDS NOT REQUIRED IN BIDS TO STATE OR POLITICAL SUBDIVISIONS.) Any person who submits a bid to the state or any of its agencies or any of its political subdivisions to sell any type of motor vehicle shall not be required to submit a bidder's bond or a certified check if that person is already bonded pursuant to section 39-22-05. The successful bidder shall submit a performance bond to the appropriate state agency or political subdivision in an amount equal to the contract price within ten days of the awarding of the contract.

Approved March 8, 1979

CHAPTER 434

SENATE BILL NO. 2249
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

WHOLESALE MOTOR VEHICLE DEALER LICENSING

AN ACT to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to licensing of wholesale motor vehicle dealers; and providing a penalty.

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

SECTION 1.) A new chapter to title 39 of the North Dakota Century Code is hereby created and enacted to read as follows:

WHOLESALE DEALER LICENSE - FEES - PLATES.) No person, partnership, or corporation shall engage in the business of wholesaling motor vehicles in North Dakota without first being licensed to do so as hereinafter provided.

A wholesale dealer license shall be issued only to those who engage in the business of wholesaling motor vehicles to another wholesale motor vehicle dealer or licensed motor vehicle dealer. A wholesale motor vehicle dealer license shall not entitle the holder to make retail sales to the public.

Application for dealer license and renewal license shall be made to the department on the forms the department shall prescribe and furnish, and the application shall be accompanied by a fee of twenty-five dollars per year, and with which shall be issued one set of dealer plates. A second set of dealer plates shall be issued to the dealer upon payment of an additional fee of twenty-five dollars. Additional dealer plates shall be issued to the dealer upon payment of a fee of ten dollars per set. The dealer plates may be used on any motor vehicle owned by the dealer. In addition to the dealer plates, the department may issue to any dealer holding a wholesale motor vehicle dealer license, an in-transit license plate for a fee of two dollars per plate. In-transit plates may be used by the dealer on vehicles in lieu of dealer plates while a motor vehicle is in transit to a motor vehicle dealer or wholesale motor vehicle dealer. Special utility plates may be issued by the department for a fee of two dollars, which special utility plate shall be used only on a vehicle while it is being used by the dealership to which the

plate is issued within a radius of twenty-five miles of the licensee's place of business. All such dealer license shall expire on December thirty-first of each year, and application for renewal of such dealer license shall be made on or before the expiration of the current dealer license.

A wholesale motor vehicle dealer license shall be issued only to those who will maintain a permanent office and place of business and will abide by all the provisions of law pertaining to wholesale motor vehicle dealers. In addition, the dealer shall maintain his business records in one central location.

BOND REQUIRED.) Before the issuance of a wholesale motor vehicle dealer license, as provided by law, the applicant for such a license shall furnish a surety bond executed by the applicant as principal and executed by a surety company, licensed and qualified to do business within the state of North Dakota, which bond shall run to the state of North Dakota, be in the amount of twenty-five thousand dollars and be conditioned upon the faithful compliance by said applicant as a dealer, if the license be issued to it or him, that such dealer will comply with all of the statutes of the state of North Dakota, including this chapter, regulating or being applicable to the business of said dealer as a wholesale dealer in motor vehicles, and indemnifying any person dealing or transacting business with said dealer in connection with any motor vehicle from any loss or damage occasioned by the failure of such dealer to comply with any of the provisions of title 39, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in any such transaction, and that such bond shall be filed with the department prior to the issuance of license provided by law. The aggregate liability of the surety of all persons, however, shall in no event exceed the amount of said bond. Any third party sustaining injury within the terms of the bond may proceed against the principal and surety without making the state a party to any such proceedings.

SUSPENSION OR REVOCATION OF DEALER LICENSE.) The department may suspend or revoke any dealer license for failure of the licensee to comply with any of the laws of the state of North Dakota governing wholesale motor vehicle dealers, or for the failure to comply with the reasonable rules and regulations of the department as established under chapter 28-32, but no order suspending or revoking a license shall be made without a hearing at which the licensee shall be given an opportunity to be heard.

DISPOSITION OF FEES.) Fees from registration of dealers shall be deposited with the state treasurer and credited to the motor vehicle registration fund.

PENALTY.) Any person who violates the provisions of this chapter shall be guilty of an infraction.

Approved April 7, 1979

CHAPTER 435

HOUSE BILL NO. 1564
(Representatives Maixner, Boyum, Timm)
(Senator Erdman)

SNOWMOBILE REGISTRATION

AN ACT to amend and reenact sections 39-24-02 and 39-24-04 of the North Dakota Century Code, relating to snowmobile registration and exemptions from registration.

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

SECTION 1. AMENDMENT.) Section 39-24-02 of the 1977 Supplement to 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~~ the 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.

SECTION 2. AMENDMENT.) Section 39-24-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-04. EXEMPTION FROM FEES-AND REGISTRATION - EXEMPTION FROM FEES.)

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

Approved March 19, 1979

CHAPTER 436

SENATE BILL NO. 2247
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

SNOWMOBILE REGISTRATION DATE

AN ACT to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to the registration dates for snowmobiles.

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

* SECTION 1. AMENDMENT.) Section 39-24-03 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-03. REGISTRATION - APPLICATION - ISSUANCE - FEES - RENEWAL.) Application for registration shall be made to the ~~register~~ department in such form as the ~~register~~ department shall prescribe and furnish, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. A copy of such application shall serve as evidence of registration for a period of not more than thirty days from the date of application. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number and a certificate of registration assigned. Such registration number shall be:

1. At least two inches [5.08 centimeters] in height and of a reflectorized material; and
2. Securely affixed on each side of the forward half of the snowmobile in such position as to provide clear legibility for identification.
3. ~~Such~~ The certificate of registration shall include information regarding the ~~manufacturer, model make, year, and serial number, if such information is available, the~~ and name and address of the owner, ~~and the address of the former owner or the dealer, as the case may be.~~

The fee for registration of each snowmobile shall be four dollars for a registration period of two years beginning July

* NOTE: Section 39-24-03 was also amended by section 1 of House Bill No. 1645, chapter 437.

January first of each biennium even-numbered year effective January 1, 1980. The fee for initial registration of each snowmobile registered on and after ~~July~~ January first of the second year of the ~~biennium~~ two-year registration period shall also be four dollars. The fee for a duplicate or replacement registration number or registration card which ~~shall be~~ is lost, mutilated, or ~~shall become~~ becomes illegible shall not exceed two dollars. In addition, in each year that fees are collected for the unsatisfied judgment fund there shall be assessed a fee of one dollar per year for each snowmobile registered, which shall be placed in the unsatisfied judgment fund. For each snowmobile registered under the provisions of this chapter, there shall be assessed a snowmobile trail tax in the amount of two dollars.

Every owner of a snowmobile shall renew his registration in such manner as the ~~register~~ department shall prescribe, upon payment of the same registration fees provided in this section.

Upon application for registration as prescribed in this section, any snowmobile dealer as defined in section 39-24-01 shall be issued registration numbers distinctively marked as dealer's registration numbers upon payment of the appropriate fee as prescribed in this section. Such dealer's registration numbers shall be used only on snowmobiles owned by the dealership.

Approved March 12, 1979

CHAPTER 437

HOUSE BILL NO. 1645
(Representatives Berge, Houmann, F. Larson)
(Senator Strinden)

SNOWMOBILE REGISTRATION FEE AND TRAIL TAX

AN ACT to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to fees for snowmobile registration and assessment of a snowmobile trail tax; and providing an appropriation.

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

* SECTION 1. AMENDMENT.) Section 39-24-03 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-03. REGISTRATION - APPLICATION - ISSUANCE - FEES - RENEWAL) Application for registration shall be made to the registrar in ~~such~~ a form as the registrar shall prescribe and furnish, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. A copy of ~~such~~ the application shall serve as evidence of registration for a period of not more than thirty days from the date of application. Upon receipt of the application and the appropriate fee as hereinafter provided, ~~such~~ the snowmobile shall be registered and a registration number and a certificate of registration assigned. ~~Such~~ The registration number shall be:

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

The fee for registration of each snowmobile shall be ~~four~~ two dollars for a registration period of two years beginning July first

* NOTE: Section 39-24-03 was also amended by section 1 of Senate Bill No. 2247, chapter 436.

of each biennium. The fee for initial registration of each snowmobile registered on and after July first of the second year of the biennium shall also be ~~four~~ two dollars. The fee for a duplicate or replacement registration number or registration card which shall be lost, mutilated, or shall become illegible shall not exceed two dollars. In addition, in each year that fees are collected for the unsatisfied judgment fund there shall be assessed a fee of one dollar per year for each snowmobile registered, which shall be placed in the unsatisfied judgment fund. For each snowmobile registered under the provisions of this chapter, there shall be assessed a snowmobile trail tax in the amount of ~~two~~ four dollars.

Every owner of a snowmobile shall renew ~~his~~ the registration in ~~such a~~ manner as the registrar shall prescribe, upon payment of the same registration fees provided in this section.

Upon application for registration as prescribed in this section, any snowmobile dealer as defined in section 39-24-01 shall be issued registration numbers distinctively marked as dealer's registration numbers upon payment of the appropriate fee as prescribed in this section. ~~Such~~ The dealer's registration numbers shall be used only on snowmobiles owned by the dealership.

SECTION 2. APPROPRIATION.) There is hereby appropriated, out of any moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$120,000.00, or so much thereof as may be necessary, to the state parks and recreation department for the construction and maintenance of snowmobile trails, for the biennium beginning July 1, 1979, and ending June 30, 1981.

Approved April 7, 1979

CHAPTER 438

HOUSE BILL NO. 1098
(Gackle)

SNOWMOBILE TRAIL TAX DISPOSITION

AN ACT to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to disposition of the snowmobile trail tax.

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

SECTION 1. AMENDMENT.) Section 39-24-05 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-05. DISPOSITION OF REGISTRATION FEES.) Fees from registration of snowmobiles shall be deposited with the state treasurer and credited to the motor vehicle registrar fund. The snowmobile trail tax shall be deposited in a state snowmobile fund in the state treasury. The state parks and recreation department may, upon appropriation by the legislative assembly, expend from such fund ~~any~~ moneys as it deems necessary for purposes of establishing snowmobile facilities.

Approved March 5, 1979

CHAPTER 439

SENATE BILL NO. 2391
(Vosper)

SNOWMOBILE SAFETY COURSE

AN ACT to create and enact a new section to chapter 39-24 of the North Dakota Century Code, relating to a snowmobile safety course for operators of snowmobiles between the ages of twelve and sixteen; and to amend and reenact subsection 6 of section 39-24-09 of the North Dakota Century Code, relating to the possession of a valid driver's license or permit by operators of snowmobiles.

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

SECTION 1.) A new section to chapter 39-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

OPERATION BY PERSONS UNDER AGE SIXTEEN.) Except as otherwise provided in this section, it shall be unlawful for any person twelve years of age and over who has not reached sixteen years of age and who is not in possession of a valid driver's license or permit to operate a snowmobile, except upon the lands of the person's parent or guardian, unless and until the person has completed a snowmobile safety training course as prescribed by the director pursuant to chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the commissioner, and unless the person is accompanied by a parent or guardian. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce the provisions of this chapter shall be presumptive evidence that such person is not the holder of such certificate.

SECTION 2. AMENDMENT.) Subsection 6 of section 39-24-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. It shall be unlawful for any person to operate a snowmobile pursuant to chapter 39-24 without having in his possession a valid driver's license or permit, except as provided by section 1 of this Act.

SECTION 3. EFFECTIVE DATE.) The provisions of this Act shall be effective on and after July 1, 1981.

Approved March 26, 1979

CHAPTER 440

HOUSE BILL NO. 1577
(Mertens)

MOTOR VEHICLE REGISTRATION TAX

AN ACT to amend and reenact section 39-26-12 of the North Dakota Century Code, relating to the motor vehicle registration tax paid into the abandoned motor vehicle disposal fund.

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

SECTION 1. AMENDMENT.) Section 39-26-12 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-26-12. TAX ON MOTOR VEHICLE REGISTRATIONS.) There is hereby imposed a tax of ~~three~~ two 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 chapter, not appropriated by the legislative assembly, 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.

Approved March 10, 1979

CHAPTER 441

SENATE BILL NO. 2406
(Nething, Tennesfos)

MOTORCYCLE MUFFLER REQUIREMENTS

AN ACT to amend and reenact sections 39-27-08 and 39-27-22 of the North Dakota Century Code, relating to requiring motorcycle mufflers to meet standards for noise control, and requiring the motor vehicle department to approve muffler requirements.

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

SECTION 1. AMENDMENT.) Section 39-27-08 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-27-08. EXHAUST SYSTEM - PREVENTION OF NOISE.) Motorcycles shall be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of effectively reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system shall be leakproof and all components shall be securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle. Shielding shall be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation. In addition, all motorcycles operating on streets and highways shall meet the noise decibel limitations as established by the environmental protection agency.

No person shall sell, offer for sale, or install any noise suppressing system or device which will produce noise in excess of the maximum allowable decibel limitations of this section.

SECTION 2. AMENDMENT.) Section 39-27-22 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-27-22. EQUIPMENT APPROVAL.) All motorcycle lighting devices, electrical systems, brake components, glazing materials, and exhaust systems, incorporating a muffler or other mechanical exhaust device, required or optional, shall be approved by the motor vehicle ~~registrax~~ department before they will be available for use within the state.

Approved March 23, 1979

CHAPTER 442

SENATE BILL NO. 2438
(Solberg, Lashkowitz)

MOTORCYCLE SAFETY EDUCATION

AN ACT to provide an additional fee for motorcycle safety education to be deposited in a motorcycle education fund, to establish standards for motorcycle safety courses, to reimburse public schools and approved organizations for programs, to promote safety in the use and operation of motorcycles; to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to motorcycle education requirements for motorcycle operators' permits and licenses for applicants under sixteen years of age; providing an effective date; and providing appropriations.

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

SECTION 1. ADDITIONAL FEES FOR MOTORCYCLE REGISTRATION.) In addition to the fees required by section 39-04-19, for motorcycle registration, a motorcycle safety education fee of five dollars shall be required at the time of registration of each motorcycle.

SECTION 2. SUPERINTENDENT OF PUBLIC INSTRUCTION TO ESTABLISH STANDARDS FOR MOTORCYCLE SAFETY COURSES.) The superintendent of public instruction shall establish requirements for instructional standards, course approval, and teacher certification standards for motorcycle safety courses required by this Act. Motorcycle safety courses may be offered by public schools and by approved organizations which meet instruction, course, and teacher certification requirements. The superintendent may adopt rules governing the operation of motorcycle safety courses, administer moneys pursuant to this Act, conduct audits and otherwise examine the records and accounts of approved motorcycle safety courses, and require other information as may be necessary to monitor the quality of motorcycle safety courses.

SECTION 3. REIMBURSEMENT FOR MOTORCYCLE SAFETY COURSES.) The superintendent shall reimburse public schools and organizations offering approved motorcycle safety courses for the actual cost of the courses. The amount of reimbursement for each student shall not exceed the actual per-pupil cost for the motorcycle safety program.

SECTION 4. MOTORCYCLE SAFETY PROMOTION.) The highway commissioner, in cooperation with other state agencies, shall promote safety and awareness in the use and operation of motorcycles through advertising and other appropriate means, as provided by this Act. The general public may provide input to improve motorcycle safety and education.

SECTION 5. DISPOSITION OF FEES.) Any fee collected pursuant to this Act shall be deposited by the motor vehicle registrar with the state treasurer and credited to a special motorcycle safety education fund in the state treasury.

* SECTION 6. AMENDMENT.) Subsection 3 of section 39-06-14 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. All applicants holding a valid North Dakota driver's license making application for a renewal of such license, shall be issued a class 3 license without being subjected to an examination as herein provided. All applicants, except those holding a valid North Dakota driver's license who will be issued a class 3 license, applying for issuance of driver licenses shall be issued a classified license after having been required to submit to an examination in the type of motor vehicle or combination of vehicles for which license is desired and which license shall authorize the holder to drive the vehicles set forth in such class as follows:

Class 1. Any vehicle or combination of vehicles except vehicles under class 4.

Class 2. Any vehicle or combination of vehicles except:

- a. Vehicles towing a trailer when the trailer being towed has a gross weight in excess of six thousand pounds.
- b. Vehicles under class 4.

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

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

* NOTE: Subsection 3 of section 39-06-14 was also amended by section 6 of House Bill No. 1374, chapter 409.

pounds.

d. Vehicles under class 4.

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

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

The holder of a class 1, 2, or 3 license may receive a class 4 endorsement upon successful completion of an examination. An applicant sixteen years of age and older, who does not hold a current valid driver's license may be issued a class 4 learner's permit after successful completion of a written examination. The class 4 license will be issued after the applicant has successfully completed a driver's examination.

Applicants--of--the--age--of--fourteen--or--fifteen--years--may receive--a--class--4--learner's--permit--to--operate--a--motorcycle with---an---engine---displacement---of---two---hundred---cubic centimeters--or--less--only--after--successful--completion--of--a written--examination--as--required--by--the--commissioner---A class--4--license--or--endorsement--shall--be--issued--to--a fourteen--or--fifteen--year--old--applicant--only--after--he--has successfully--completed--a--driving--examination,--and--has produced--evidence--satisfactory--to--the--commissioner--of either--of--the--following: Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen shall hold an initial learner's permit for at least two months prior to applying for a class 4 operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. Any person under sixteen years of age who holds a permit or license shall be restricted to the operation of a motorcycle powered with an engine of two hundred cubic centimeters, or less, displacement. Evidence that the applicant has met one of the following standards shall accompany the application for a class 4 license:

- a. Satisfactory completion of a motorcycle course which included at least six hours of classroom instruction and six hours of actual motorcycle operation.
- b. Successful completion of a motorcycle course at an approved commercial driver training school which included at least six hours of classroom instruction and six hours of actual motorcycle operation.

SECTION 7. APPROPRIATION.) There is hereby appropriated out of any moneys in the motorcycle safety education fund in the state treasury, not otherwise appropriated, the sum of \$2,000.00, or so much thereof as may be necessary, to the motor vehicle registrar, for the purpose of implementing collection of the fee prescribed by this Act.

SECTION 8. APPROPRIATION.) There is hereby appropriated out of any moneys in the motorcycle safety education fund in the state treasury not otherwise appropriated, the sum of \$13,000.00, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of administering this Act, beginning January 1, 1980, and ending June 30, 1981.

SECTION 9. APPROPRIATION.) There is hereby appropriated out of any moneys in the motorcycle safety education fund in the state treasury, not otherwise appropriated, the sum of \$103,000.00, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of providing reimbursement to public schools and approved organizations pursuant to this Act beginning January 1, 1980, and ending June 30, 1981.

SECTION 10. APPROPRIATION.) There is hereby appropriated out of any moneys in the motorcycle safety education fund in the state treasury, not otherwise appropriated, the sum of \$18,000.00, or so much thereof as may be necessary, to the highway commissioner, for the purpose of advertising and promoting safety in the use and operation of motorcycles beginning January 1, 1980, and ending June 30, 1981.

SECTION 11. EFFECTIVE DATE.) The provisions of this Act shall become effective on January 1, 1980.

Approved April 8, 1979