

MOTOR VEHICLES

CHAPTER 412

SENATE BILL NO. 2164
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

HOUSE CARS

AN ACT to amend and reenact subsection 23 of section 39-01-01 and section 39-18-01 of the North Dakota Century Code, relating to the definition of house car and the sale of house cars.

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

SECTION 1. AMENDMENT. Subsection 23 of section 39-01-01 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23. "House car" means a motor vehicle which has been reconstructed or manufactured for private use as ~~sleeping or living quarters~~ a temporary or recreational dwelling and having at least four of the following permanently installed systems:
- a. Cooking facilities;
 - b. Ice box or mechanical refrigerator;
 - c. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both;
 - d. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both;
 - e. Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system;
 - f. A 110-115 volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both or a liquefied petroleum system and supply.

SECTION 2. AMENDMENT. Section 39-18-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-01. Mobile home dealer's license - Fees - Dealer's plates. No person, partnership, or corporation shall engage in the business of buying, selling, or exchanging of mobile homes, or advertise or hold himself or itself out to the public as being in the business of buying, selling, or exchanging of mobile homes without first being licensed to do so as hereinafter provided.

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

A mobile home dealer's license shall be issued only to those who will maintain a permanent office and place of business, and an adequate service department, during the licensing year, and will abide by all the provisions of law pertaining to mobile home dealers.

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

Upon the payment of a fee of five dollars for each plate, the department shall register and issue dealer's license plates for use on any mobile homes owned by the licensed dealer, and such mobile homes bearing such dealer's license plates may be lawfully operated upon the public highways of the state of North Dakota by such dealer, his agents and servants, during the year of such registration. Such dealer's license plates shall expire on December thirty-first of each year.

The term "mobile home" as used in this chapter shall include and shall have the same meaning as "housetrailer", and both terms shall have the meaning prescribed in subsection 74 of section 39-01-01.

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

Approved March 27, 1985

CHAPTER 413

HOUSE BILL NO. 1186
(Committee on Transportation)
(At the request of the Highway Patrol)

MODULAR UNIT DEFINED

AN ACT to create and enact two new subsections to section 39-01-01 of the North Dakota Century Code, relating to definitions regarding motor vehicles.

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 1983 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

"Modular unit" includes every factory fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

"Superintendent" means the superintendent of the North Dakota state highway patrol, acting directly or through his authorized employees.

Approved March 14, 1985

CHAPTER 414

SENATE BILL NO. 2362
(Senators Matchie, Wenstrom)
(Representatives Opedahl, Kretschmar)

SENIOR CITIZENS' VEHICLES UNDER GOVERNMENTAL INSURANCE

AN ACT to authorize the inclusion of motor vehicles of senior citizens groups in state or political subdivision insurance policies.

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

SECTION 1. Senior citizen group motor vehicle - Availability of coverage under political subdivision policies. Any political subdivision may provide for the inclusion of buses, vans, or other motor vehicles used by senior citizens groups to transport members, in a motor vehicle insurance policy of the political subdivision. The political subdivision may require payment by a senior citizens group for any increase in the premium rate charged to the political subdivision which is attributable to the coverage provided to that senior citizens group. The political subdivision may provide for a payment procedure to require the payment of any premium or premium portion attributable to the coverage provided for the senior citizens group.

SECTION 2. Senior citizen group motor vehicle - Availability of coverage under state policies. Except as otherwise provided in this section, any insurance policy providing coverage of state-owned motor vehicles must provide, at the request of a senior citizens group prior to the issuance or renewal of the policy, for the inclusion of buses, vans, or other motor vehicles used by the senior citizens group to transport members. The state agency negotiating the insurance policy may require payment by a senior citizens group for any increase in the premium rate charged to the state agency which is attributable to the coverage provided to that senior citizens group. The state agency shall provide by rule for the payment by the senior citizens group of the premium portion attributable to the group's coverage under the policy. The state agency may refuse to provide coverage to a senior citizens group if the coverage would hinder the ability of or not allow the state to obtain insurance.

Approved March 27, 1985

CHAPTER 415

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

MOTOR VEHICLE DEALER VIOLATION HEARINGS

AN ACT to create and enact a new section to chapter 39-01 of the North Dakota Century Code, relating to administrative hearings on alleged violations of dealer laws; and to amend and reenact sections 39-22-04 and 39-22.3-04 of the North Dakota Century Code, relating to suspension or revocation of motor vehicle dealer's license, and suspension or revocation of motorcycle dealer's license.

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

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

Hearing on alleged violations. Any person having information that a licensed dealer has violated any provisions of this title may file with the registrar an affidavit specifically setting forth such violation. Upon receipt of such affidavit, the registrar shall set the matter for hearing in Bismarck not less than ten days after copies of the affidavit and notice of hearing have been mailed to the dealer by registered mail. A record of such hearings must be made by stenographic notes or use of an electronic recording device.

If after such hearing the registrar finds the violation charged in the affidavit has been proved by the evidence, an order shall be served on the licensee revoking or suspending the dealer's license for a period of time to be determined by the registrar. Such action may be appealed to the district court by following the appeal procedure set forth in chapter 28-32, except that the order revoking or suspending the license is ineffective while the appeal is pending.

The registrar shall have the power to appoint an administrative hearing officer to conduct the hearing, administer oaths, and subpoena and examine witnesses. The administrative hearing officer shall submit the findings to the registrar for consideration and final decision.

Any witness called by the prosecution, except a peace officer while on duty, shall receive the same fees and mileage as a witness in a civil case in district court.

SECTION 2. AMENDMENT. Section 39-22-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-04. Grounds for denial, suspension, cancellation, or revocation of dealer's license. The registrar of motor vehicles may deny an application for a dealer's license or suspend, revoke, or cancel such a license after it has been granted for the following reasons:

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

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

SECTION 3. AMENDMENT. Section 39-22.3-04 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22.3-04. Grounds for denial, suspension, cancellation, or revocation of dealer's license. The registrar of motor vehicles may deny an application for a dealer's license or suspend, revoke, or cancel such a license after it has been granted for the following reasons:

1. For any material misstatement by an applicant in the application for the license.
2. For any willful failure to comply with the provisions of this chapter or with any rule adopted by the registrar of motor vehicles.
3. For knowingly permitting any salesperson to sell or exchange, or offer or attempt to sell or exchange any motorcycle except for the licensed motorcycle dealer by whom the salesperson is employed, or to offer, transfer,

or assign any sale or exchange that they may have negotiated to any other dealer.

4. For having violated any law relating to the sale, distribution, or financing of motorcycles.
5. For having ceased to have an established place of business as herein defined.

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

Approved March 30, 1985

CHAPTER 416

HOUSE BILL NO. 1085
(Legislative Council)

(Interim Committee on Public Employees Retirement Programs)

HIGHWAY PATROLMEN'S RETIREMENT BENEFITS
AND CONTRIBUTIONS

AN ACT to amend and reenact subsection 1 of section 39-03.1-09, sections 39-03.1-10, 39-03.1-12, and 39-03.1-14 of the North Dakota Century Code, relating to retirement benefits and state and employee contributions under the highway patrolmen's retirement system.

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

SECTION 1. AMENDMENT. Subsection 1 of section 39-03.1-09 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Every member, except as provided in section 39-03.1-07, shall be required to contribute into the fund a sum equal to seven ten and thirty-hundredths percent of his the member's monthly salary, but not to exceed one hundred thirty-three dollars, which sum shall be deducted from his the member's salary and credited to his the member's 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 the contributor 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 the contributor's 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~~ elects 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~~ the contributor might thereby be entitled.

SECTION 2. AMENDMENT. Section 39-03.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-10. Contributions by the state of North Dakota. The state of North Dakota shall contribute to the fund a sum equal to ~~twelve seventeen and seventy-hundredths~~ percent of the monthly salary or wage of a participating member. ~~Such contribution shall not exceed two hundred twenty-eight dollars per month.~~ If the member's contribution is paid by the state under subsection 2 of section 39-03.1-09, the state shall contribute, in addition, an amount equal to the required member's contribution.

SECTION 3. AMENDMENT. Section 39-03.1-12 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-12. Retirement allowance. Each contributor qualifying under section 39-03.1-11 ~~shall be~~ is entitled to receive from the fund, for the duration of ~~his the contributor's~~ life, a monthly retirement allowance equal to two and one-half percent of the average monthly salary, ~~not to exceed one thousand nine hundred dollars,~~ for the thirty-six months of service immediately preceding retirement from the patrol, multiplied by twenty-five. For each additional year of service over twenty-five the contributor ~~shall be~~ is entitled to an additional one and one-half percent per month of ~~his the contributor's~~ 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 4. AMENDMENT. Section 39-03.1-14 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-14. Optional retirement allowance. Each contributor qualifying under section 39-03.1-13 ~~shall be~~ is entitled to receive from the fund, for the duration of ~~his the contributor's~~ life, a monthly optional retirement allowance equal to two and one-half percent of the average monthly salary, ~~not to exceed one thousand nine hundred dollars,~~ for the last thirty-six months of service, times the total number of years served.

Approved March 31, 1985

CHAPTER 417

SENATE BILL NO. 2169
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

REGISTRATION SUSPENSION BY MOTOR VEHICLE
DEPARTMENT

AN ACT to amend and reenact subsection 3 of section 39-04-06 of the North Dakota Century Code, relating to the suspension of motor vehicle registration.

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

* SECTION 1. AMENDMENT. Subsection 3 of section 39-04-06 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Whenever the ~~commissioner~~ department finds that a vehicle is registered in accordance with a reciprocity agreement, arrangement, or declaration and the vehicle is operated in violation of the agreement.

Approved February 6, 1985

* NOTE: Section 39-04-06 was also amended by section 67 of Senate Bill No. 2079, chapter 317.

CHAPTER 418

SENATE BILL NO. 2166
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

LICENSE PLATES

AN ACT to amend and reenact sections 39-04-08 and 39-04-11, relating to issuance and display of license plates.

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

SECTION 1. AMENDMENT. Section 39-04-08 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-08. Number plates furnished by the department. The department shall furnish to every motor vehicle owner two number plates for each registered motor vehicle, and one number plate for each registered motorcycle, trailer, or housetrailer. The department may, in its discretion, furnish only one number plate for each registered apportioned vehicle licensed under the international registration plan as authorized in section 39-19-04, truck tractor or semitrailer.

SECTION 2. AMENDMENT. Section 39-04-11 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-11. Display of number plates and tabs. Except as otherwise specifically provided, no person shall operate or drive a vehicle on the public highways of this state unless the vehicle shall have a distinctive number assigned to it by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a motorcycle, trailer, or housetrailer shall be attached to the rear thereof. When only one number plate is furnished for a an apportioned vehicle licensed under the international registration plan as authorized in section 39-19-04, truck tractor or semitrailer, the plate shall be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate shall be at a height of not less than twelve inches [30.48 centimeters] above the

level surface upon which the vehicle stands. As far as is reasonably possible, the plates shall at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year shall be removed from the vehicle. All vehicle license plates issued by the department shall continue to be the property of the state of North Dakota for the period for which the plates are valid. An annual registration tab or sticker for the current registration year shall be displayed on each number plate in those years for which tabs or stickers are issued in lieu of number plates.

Approved March 22, 1985

CHAPTER 419

SENATE BILL NO. 2510
(Mutch)

(Approved by the Committee on Delayed Bills)

PERSONALIZED LICENSE PLATES

AN ACT to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to the issuance of personalized plates.

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

SECTION 1. AMENDMENT. Section 39-04-10.3 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-10.3. Personalized plates. The department may, in its discretion, provide special plates marked with initials, letters, or combinations of numerals and letters at the request of the registrant, upon application therefor and upon payment of an additional fee of one hundred twenty-five dollars per registration period. The special plates shall contain not more than six letters or a combination of not more than six numerals and letters. In the event of sale or transfer of the vehicle, the special plates may remain with the vehicle or they may be surrendered and, upon application, a regular license plate shall be issued without additional cost, or upon payment of the applicable registration fee, the special plates shall be transferred to the replacement motor vehicle.

Approved April 4, 1985

CHAPTER 420

HOUSE BILL NO. 1091
(Representative Hamerlik)

ANTIQUÉ MOTOR VEHICLE LICENSES

AN ACT to amend and reenact section 39-04-10.4 of the North Dakota Century Code, relating to number plates and personalized plates on antique motor vehicles.

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

SECTION 1. AMENDMENT. Section 39-04-10.4 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-10.4. Antique automobiles motor vehicles - License and fee.

1. Any motor vehicle which is at least forty years old may be permanently licensed by the department upon the payment of a registration fee of ten dollars. The department shall design and issue a distinctive number plate for this purpose. In lieu of the distinctive number plate, the owner of the motor vehicle may, at the discretion of the registrar, display on the motor vehicle a number plate from the year in which the motor vehicle was manufactured. The number plate from the year of manufacture may not be used in lieu of a distinctive number plate when it would create a duplication of a number in the records-keeping system of the department. A number plate from the year of manufacture must be legible and must be restored to the satisfaction of the department. Notwithstanding section 39-04-11, only one number plate needs to be displayed on a motor vehicle licensed under this subsection.
2. Any motor vehicle which is at least forty years old may, if not licensed under subsection 1, be permanently licensed using a personalized plate issued under section 39-04-10.3, in which case a one time fee of one hundred dollars is due.

Approved February 21, 1985

CHAPTER 421

SENATE BILL NO. 2506
(Senators Nething, Heigaard)
(Representatives Strinden, Mertens)
(Approved by the Committee on Delayed Bills)

CENTENNIAL LICENSE PLATES

AN ACT to allow the North Dakota centennial commission to sell commemorative centennial license plates, to suspend the requirement of two license plates on certain motor vehicles during the issuance of the commemorative license plates, and to authorize the motor vehicle registrar to contract to obtain the commemorative license plates; and to provide an appropriation.

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

SECTION 1. Issuance of commemorative centennial license plates - Temporary authority to use one license plate. The North Dakota centennial commission, created by chapter 583 of the 1983 Session Laws of North Dakota, may issue commemorative centennial license plates for the years 1988 and 1989. The commission may make an agreement with the motor vehicle registrar for procurement of the commemorative license plates. The commission may sell the commemorative license plates at a price that does not exceed ten dollars each. During 1988 and 1989, the operator of a motor vehicle, as defined in section 39-01-01, may display a commemorative centennial license plate issued by the centennial commission on the front of that motor vehicle, in lieu of the distinctive license plate assigned under chapter 39-04. A rear license plate issued under chapter 39-04 must still be displayed.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the highway trust fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the North Dakota centennial commission for the purpose of defraying the expenses for the issuance of commemorative centennial license plates for the biennium beginning July 1, 1985, and ending June 30, 1987.

SECTION 3. Use of commemorative license plate fees - Appropriations. From the fees collected under section 1 of this Act, the North Dakota centennial commission shall repay to the highway trust fund all moneys received by it up to the amount appropriated under section 2 of this Act. The remainder of the fees collected pursuant to section 1 is hereby appropriated to the use of the North Dakota centennial commission.

Approved March 22, 1985

CHAPTER 422

SENATE BILL NO. 2170
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

TRANSFER OF MOTOR VEHICLE PLATES

AN ACT to amend and reenact section 39-04-12 of the North Dakota Century Code, relating to transfer of number plates.

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

SECTION 1. AMENDMENT. Section 39-04-12 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-12. Contents of number plates - Size of letters and numerals on plates - Reflectorized - Tabs or stickers - Additional fee.

1. Number plates shall be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and shall be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all number plates shall be legible for a minimum distance of one hundred feet [30.48 meters] to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each plate shall be treated with a reflectorized material according to the specifications prescribed by the department. The department shall furnish number plates for a period to be determined by the department, which period shall not be less than four years. In any year during which number plates are not furnished the department shall furnish for each annual registration a year plate, tab, or sticker to designate the year registration. The plate, tab, or sticker shall show the registration year for which issued, and is valid only for that year. It shall be unlawful for any person to transfer to another vehicle the number plate, tab, or sticker during the period or calendar year

for which issued, except as provided in section 39-04-36 and elsewhere in this chapter.

2. The department may, in its discretion, provide to an owner of a fleet of ten or more trailers which are offered for lease and rented to the public, number plates which shall be for a period of not more than six consecutive years and which shall be exempt from the requirements of annual validation evidence. The registration fees for such trailers may be paid for the entire period for which the plates are issued, or the fees may be paid for the first year of the issue and a corporate surety bond may be filed in such sum as the department deems reasonable and adequate in the circumstances, conditioned that the owner will pay the annual fee at the beginning of each annual registration period.

Approved March 31, 1985

CHAPTER 423

HOUSE BILL NO. 1363
(Winkelman)

MOTOR VEHICLE FLEET REGISTRATION

AN ACT to create and enact a new subsection to section 39-04-12 of the North Dakota Century Code, relating to fleet registration of motor vehicles.

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

SECTION 1. A new subsection to section 39-04-12 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The department may provide to an owner of a fleet of one hundred or more vehicles number plates that are valid for as many as six consecutive years and that are exempt from the requirements of evidence of annual validation. The registrant shall file with the department a corporate surety bond in an amount the department determines to be reasonable and adequate, and conditioned that the owner will pay the annual fee at the beginning of each annual registration period for which the number plates are valid.

Approved March 31, 1985

CHAPTER 424

HOUSE BILL NO. 1378
(Representative Conmy)
(Senator Stenehjem)

MOTOR VEHICLE REPAIR, REPLACEMENT, OR REFUND

AN ACT to create and enact a new section to chapter 39-04, seven new sections to chapter 51-07, and a new section to chapter 57-40.4 of the North Dakota Century Code, relating to the duty of a manufacturer to repair a new motor vehicle under warranty or to refund the purchase price or replace the vehicle under certain circumstances; and to provide a penalty.

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:

Refund of registration fees. Any owner of a motor vehicle, if such motor vehicle is returned to the manufacturer under the provisions of chapter 51-07, may claim a refund in the amount equal to the unused portion of the fee upon the vehicle, computed pro rata by the month, one-twelfth of the annual fee paid for each month of the registration period remaining after the month in which the vehicle was returned, provided the number plates and validation tabs issued for the vehicle are returned to the department.

SECTION 2. A new section to chapter 51-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. As used in sections 2 through 8 of this Act, and unless the context or subject matter otherwise requires:

1. "Consumer" means the purchaser, other than for purposes of resale, of a passenger motor vehicle normally used for personal, family, or household purposes. "Consumer" includes any person to whom the passenger motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to that passenger motor vehicle, and any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

2. "Passenger motor vehicle" means a passenger motor vehicle as defined in section 39-01-01 or a truck with registered gross weight of ten thousand pounds or less which is sold in this state. "Passenger motor vehicle" does not include a house car, as defined in section 39-01-01.

SECTION 3. A new section to chapter 51-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Duty of manufacturer to repair defective passenger motor vehicles. If a new passenger motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer, its agent, or its authorized dealer during the term of the express warranties or during the period of one year following the date of original delivery of the passenger motor vehicle to a consumer, whichever is the earlier date, the manufacturer, its agent, or its authorized dealer shall make the repairs necessary to conform the passenger motor vehicle to the express warranties, notwithstanding the fact that the repairs might be made after the expiration of the warranty or one-year period.

SECTION 4. A new section to chapter 51-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Duty to replace defective passenger motor vehicle or refund price - Prerequisite of using available informal dispute settlement process.

1. If the manufacturer, its agent, or its authorized dealer is unable to make the passenger motor vehicle conform to any applicable express warranty by repairing or correcting any defect or condition that substantially impairs the use and market value of the passenger motor vehicle, after a reasonable number of attempts, the manufacturer shall replace that passenger motor vehicle with a comparable passenger motor vehicle or accept return of the passenger motor vehicle from the consumer, and refund to the consumer the full purchase price, including all collateral charges, less a reasonable allowance for the consumer's use of the vehicle. Refunds must be made to the consumer, and lienholder, if any, as their interests may appear. A reasonable allowance for use is the amount directly attributable to use by the consumer before the consumer's first report of the nonconformity to the manufacturer, agent, or dealer, and during any subsequent period when the vehicle is not out of service for repair.
2. It is an affirmative defense to any claim under this Act:
 - a. That an alleged nonconformity does not substantially impair the use and market value of the passenger motor vehicle; or

- b. That a nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the passenger motor vehicle by a consumer.
3. If a manufacturer has established or participates in an informal dispute settlement procedure which substantially complies with the substantive rules of the federal trade commission, 16 CFR 703, or if the manufacturer participates in a consumer and industry appeals, arbitration, or mediation appeals board whose decisions are binding on the manufacturer, the remedy under subsection 1 is not available to a consumer who has not first resorted to that procedure. The attorney general shall, on application, issue a determination of whether an informal dispute resolution mechanism qualifies under this subsection.

SECTION 5. A new section to chapter 51-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Presumptions.

1. It is presumed that a reasonable number of attempts have been undertaken to make a passenger motor vehicle conform to the applicable express warranties, if:
 - a. The same nonconformity has continued to exist, despite having been subject to repair more than three times by the manufacturer, its agent, or its authorized dealer, within the express warranty term or within one year of the date original delivery of the passenger motor vehicle to a consumer, whichever is the earlier date.
 - b. The passenger motor vehicle is out of service for repair for a cumulative total of at least thirty business days during the warranty term or in a year, whichever is less.
2. The term of an express warranty, the one-year period, and the thirty-day period, are extended by any period during which repair services are not available to the consumer because of war, invasion, strike, fire, flood, or other natural disaster.
3. The presumption does not apply against a manufacturer unless the manufacturer has received prior direct notification from or on behalf of the consumer and an opportunity to cure the alleged defect.

SECTION 6. A new section to chapter 51-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Exclusive remedy. A consumer who elects to proceed under sections 2 through 8 of this Act is foreclosed from pursuing any

other remedy arising out of the facts and circumstances which gave rise to the claim under sections 2 through 8 of this Act.

SECTION 7. A new section to chapter 51-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Limitation of actions. An action brought under sections 2 through 8 of this Act must be commenced within six months after the earlier of:

1. Expiration of the express warranty term; or
2. Eighteen months after the date of original delivery of the passenger motor vehicle to a consumer.

SECTION 8. A new section to chapter 51-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Resale of returned passenger motor vehicles prohibited - Penalty. A person may not sell in this state a passenger motor vehicle that was returned to the manufacturer in accordance with sections 2 through 8 of this Act. Violation of this section is a class B misdemeanor.

SECTION 9. A new section to chapter 57-40.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund of tax on returned vehicles. Any owner of a motor vehicle, if such motor vehicle is returned to the manufacturer under the provisions of chapter 51-07, may claim a refund of motor vehicle excise tax on the amount paid to the owner by the manufacturer.

Approved March 31, 1985

CHAPTER 425

SENATE BILL NO. 2168
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

OPERATION OF MOTOR VEHICLE WITHOUT PAYMENT OF REGISTRATION FEES

AN ACT to create and enact a new subsection to section 39-04-37 of the North Dakota Century Code, relating to violations of motor vehicle registration provisions.

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

SECTION 1. A new subsection to section 39-04-37 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To operate a passenger motor vehicle without payment of the registration fees as required in subsection 2 of section 39-04-19.

Approved February 6, 1985

CHAPTER 426

HOUSE BILL NO. 1227
(Representative Opedahl)
(Senator Wenstrom)

CLASS 3 MOTOR VEHICLE OPERATOR'S LICENSES

AN ACT to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the vehicles that may be driven by a driver with a class 3 operator's license; and to declare an emergency.

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

* SECTION 1. AMENDMENT. Subsection 3 of section 39-06-14 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. a. All applicants holding a valid North Dakota operator's license making application for renewal, shall be issued a class 3 license without being subjected to an examination as herein provided.
- b. All applicants, except those holding a valid North Dakota operator's license who will be issued a class 3 license, applying for issuance of operator 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 a class as follows:
 - (1) Class 1. Any vehicle or combination of vehicles except vehicles under class 4.
 - (2) 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 [2721.55 kilograms].
 - (b) Vehicles under class 4.

* NOTE: Section 39-06-14 was also amended by section 1 of Senate Bill No. 2405, chapter 427.

- (3) Class 3. Any two-axle or tandem-axle vehicle except:
- (a) A truck tractor combination as defined in subsection 76 of section 39-01-01.
 - (b) A bus more than eighty inches [20.32 decimeters] in width and designed to carry more than ~~ten~~ thirteen 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 [2721.55 kilograms].
 - (d) Vehicles under class 4.

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 [2721.55 kilograms], and 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 [10886.22 kilograms].

- (4) 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 motorized bicycles, tractors, and vehicles on which the operator or passengers, or both, ride within an enclosed cab.
- c. The holder of a class 1, 2, or 3 license may receive a class 4 endorsement upon successful completion of an examination.
 - d. An applicant sixteen years of age and older, who does not hold a current valid operator'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.
 - e. 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 before

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 is 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:

- (1) Satisfactory completion of a motorcycle course which included at least six hours of classroom instruction and six hours of actual motorcycle operation.
- (2) 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 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 14, 1985

CHAPTER 427

SENATE BILL NO. 2405
(Senators Todd, Satrom)
(Representatives Richard, Gates)

MOTORCYCLE OPERATION UNDER AGE 16

AN ACT to amend and reenact subdivision e of subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to operation of motorcycles by persons less than sixteen years old.

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

* SECTION 1. AMENDMENT. Subdivision e of subsection 3 of section 39-06-14 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- e. 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 before 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 is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has met one of the following standards shall satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application for a class 4 license-

(1) Satisfactory completion of a motorcycle course which included at least six hours of classroom instruction and six hours of actual motorcycle operation-

* NOTE: Section 39-06-14 was also amended by section 1 of House Bill No. 1227, chapter 426.

(2) 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.

Approved April 4, 1985

CHAPTER 428

HOUSE BILL NO. 1139
(Committee on Transportation)
(At the request of the Highway Department)

MOTOR VEHICLE OPERATOR'S LICENSE RENEWALS

AN ACT to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to the renewal of a motor vehicle operator's license; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 39-06-19 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-19. Expiration of license - Renewal. Every operator's license issued under this chapter shall expire and be renewed according to this section. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an odd numeral shall be twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an even numeral shall be twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. Application with fee for renewal of license shall be presented to the commissioner not prior to ~~ninety~~ ninety days ten months before the expiration date of the operator's license. The commissioner may require an examination of an applicant as upon an original application. Every application for renewal of a license by an applicant shall be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. The commissioner shall provide visual examination equipment at each location where a license may be renewed. An application for a motor vehicle operator's license from an applicant applying for first license under the age of twenty-one may be accompanied by a certificate of examination from a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant, in lieu of the eye examination conducted by the driver licensing authorities. No certificate of

examination shall be dated more than six months prior to the date of the driver license application. Every person submitting application and fee for renewal of license one year or more after expiration of license, except an applicant whose military, or merchant marine service has terminated less than sixty days prior to such application, shall be treated as a new driver and subject to the examination as upon an original application. The fee for every operator's license shall be eight dollars.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved February 21, 1985

CHAPTER 429

SENATE BILL NO. 2373
(Senator Wright)
(Representatives Kelly, Moore)

DUI ADMINISTRATIVE AND CRIMINAL PROVISIONS

AN ACT to create and enact a new subsection to section 39-06-32 of the North Dakota Century Code, relating to sanctions for administrative motor vehicle operator's license sanctions of other states; and to amend and reenact sections 39-06-35, 39-06-36, 39-06-42, subdivision b of subsection 3 and subsection 3.1 of section 39-06.1-10, subsection 2 of section 39-06.1-11, subsection 3 of section 39-06.1-13, subsection 5 of section 39-08-01, sections 39-16.1-01, 39-16.1-07, 39-20-01, 39-20-02, 39-20-03.1, 39-20-03.2, 39-20-04, 39-20-04.1, 39-20-05, 39-20-06, 39-20-07, 39-20-13, 39-20-14, and 40-18-12 of the North Dakota Century Code, relating to law enforcement, judicial, and administrative procedures, sanctions, and penalties for driving or being in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance.

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

SECTION 1. A new subsection to section 39-06-32 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

An administrative decision in another state that the licensee's privilege to drive in that state is suspended or revoked because of a violation of that state's law forbidding motor vehicle operation with a blood alcohol concentration of at least ten one-hundredths of one percent by weight. The specific requirements for establishing the violation in the other state may not be considered and certified copies of the records of the other state's drivers licensing authority are sufficient evidence of the violation. The suspension must be for the same duration as the suspension in section 39-20-04.1.

SECTION 2. AMENDMENT. Section 39-06-35 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-35. Period of suspension.

- 1- The commissioner may not suspend an operator's license or privilege to drive a motor vehicle for a period of more than one year, except as permitted or required under this section, section 39-06-17, section 39-06-43, or subsection 3.1 of section 39-06-1-10.
- 2- When the period of suspension imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the commissioner a reinstatement fee of twenty-five dollars, or fifty dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until the provisions of subsection 3.1 of section 39-06.1-10 have been complied with. Upon payment of the reinstatement fee the license must be returned to the operator. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20.

SECTION 3. AMENDMENT. Section 39-06-36 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-36. Restoration of revoked licenses. Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the revocation period such person may make application for a new license as provided by law, but the commissioner shall not then issue a new license unless and until he is satisfied after investigation of the individual's driving records, driving habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. A person whose license or privilege to drive a motor vehicle has been revoked must pay to the commissioner a revocation reinstatement fee of twenty-five dollars, or fifty dollars if the revocation was imposed for violation of subsection 5 of section 39-06-17, section 39-06-31, section 39-06-43, or section 39-20-04, in addition to any license renewal fee, for issuance of a new license. Until the reinstatement fee is paid the license and privilege to drive a motor vehicle remain under revocation. A reinstatement fee is not required if a revoked license is reinstated due to the findings of a hearing, reexamination of hearing, or court or judicial review as provided under chapter 39-06, 39-06.1, or 39-20.

SECTION 4. AMENDMENT. Section 39-06-42 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-42. Penalty for driving while license suspended or revoked - Impoundment of vehicle number plates - Authority of cities.

1. Except as provided in chapters 39-16 and 39-16.1 and section 39-06.1-11, any person who drives a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while that person's license or privilege so to do is suspended or revoked is guilty of a class B misdemeanor.
2. If the suspension or revocation was imposed for violation of section 39-08-01 or equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence must be at least ~~fifteen~~ four consecutive days' imprisonment and such fine as the court deems proper. The sentence and the imposition of sentence may not be suspended under chapter 12-53. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff for the duration of the period of suspension or revocation. When a period of suspension has been extended under subsection 5 of section 39-06-17, the court may order the number plates to be impounded in accordance with this subsection. The impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the registrar of motor vehicles.
4. A city may, by ordinance, authorize its municipal judge to order impoundment of motor vehicle number plates in the manner provided in subsection 3.

SECTION 5. AMENDMENT. Subdivision b of subsection 3 and subsection 3.1 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

- | | |
|---|------------------|
| b. Criminal Violations | |
| Conviction of: | Points Assigned: |
| (1) Reckless driving, in violation of section 39-08-03, or equivalent ordinance | 8 points |
| (2) Aggravated reckless driving, in violation of section 39-08-03, or | 12 points |

- equivalent ordinance
- (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances 14 points
- (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance 18 points
- (5) Driving or being in actual physical control of a motor vehicle in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has not within the five years preceding the violation previously violated section 39-08-01, or equivalent ordinance 24 points
- (6) Driving or being in actual physical control of a motor vehicle in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has within the five years preceding the violation previously violated section 39-08-01, or equivalent ordinance 63 points
- (7) Driving or being in actual physical control of a motor vehicle in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has within the five years preceding the violation at least twice 115 points

previously violated section
39-08-01 or equivalent
ordinance

(8) Violating restrictions in 3 points
a restricted license
issued under
section 39-06-17 and
relating to the use of
eyeglasses or contact
lenses while driving

(8) (9) Violating any restrictions 4 points
other than those listed in
paragraph 7 8 of this
subdivision, contained in
a restricted license issued
under section 39-06-17 or
section 39-06.1-11

3.1. a. If the commissioner is informed by a court that under
section 39-08-01 or 40-18-12 a person has been
convicted of violating section 39-08-01 or equivalent
ordinance has been referred for addiction evaluation
to an appropriate licensed addiction treatment program
and has been subsequently evaluated as needing
addiction treatment, the commissioner shall, within
three days of being so informed, subject to the
offender's opportunity for hearing under subsection 1,
may not restore the operator's license to the offender
until the offender furnishes to the commissioner the
written statement of the counselor or instructor of an
appropriate licensed addiction treatment program that
the offender does not require a treatment program or
that the offender has physically attended the
prescribed treatment program and has complied with the
attendance rules. The commissioner shall send notice
to the offender informing the offender of the
addiction evaluation and of the provisions of this
subsection.

b. If the offender does not, within thirty days from the
date the commissioner mailed the notice, enroll in an
appropriate licensed addiction treatment program, with
that enrollment verified by the program's addiction
counselor or instructor, or, if enrolled, the offender
does not complete the treatment program, the
commissioner shall, subject to the offender's
opportunity for hearing under subsection 1, suspend
that person's driving privileges in accordance with
subdivisions c and d:

c. If the driving record The suspension
shows that- must be at least-

- (1) Within the five years preceding the most recent violation of section 39-08-01, or equivalent ordinance, the offender has not previously violated section 39-08-01 or equivalent ordinance 180 days
- (2) Within the five years preceding the most recent violation of section 39-08-01, or equivalent ordinance, the offender has once previously violated section 39-08-01 or equivalent ordinance 1 year
- (3) Within the five years preceding the most recent violation of section 39-08-01, or equivalent ordinance, the offender has twice previously violated section 39-08-01 or equivalent ordinance 2 years

- d- If within the seven years preceding the most recent violation of section 39-08-01, or equivalent ordinance, the offender has previously violated section 39-08-01 or equivalent ordinance at least three times, the commissioner may restore driving privileges to the offender only after that person has completed addiction treatment through an appropriate licensed addiction treatment program and has had no alcohol or drug-related offense for two consecutive years after completion of treatment.
- e- A period of license suspension imposed on an offender under this subsection is in addition and consecutive to any period of license suspension or revocation imposed under section 39-06-31 or chapter 39-20 or after a conviction of violating section 39-08-01 or equivalent ordinance.

SECTION 6. AMENDMENT. Subsection 2 of section 39-06.1-11 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If the licensing authority has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or

equivalent ordinance, the authority may, in accordance with this section, for good cause, and upon written application of the offender, issue a temporary restricted license which takes effect after thirty days of the suspension have been served after a first offense under section 39-08-01 or chapter 39-20. The licensing authority may not issue a temporary restricted license to any offender whose operator's license is under suspension upon a second or subsequent offense within the time limitations under section 39-08-01 or chapter 39-20. The licensing authority may not issue a temporary restricted license for a period of license revocation or suspension imposed under subsection 5 of section 39-06-17, section 39-06-31, subsection 3.1 of section 39-06.1-10, or section 39-20-04, or imposed for an alcohol related offense under section 39-06-43. A temporary restricted license may be issued for suspensions ordered under section 1 of this Act if it could have been issued had the suspension resulted from in-state conduct, but no temporary restricted license may be issued for suspensions ordered under subsection 4 of section 39-06-32.

SECTION 7. AMENDMENT. Subsection 3 of section 39-06.1-13 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The point total shown on a licensee's driving record shall be reduced by seven points for successful completion of an inpatient or outpatient alcoholism or narcotics treatment program approved by the state department of health human services. No reduction of points shall be made under this subsection, unless the licensee's driving record included, at the time of suspension, points assigned for violation of section 39-08-01, or an equivalent ordinance. The provisions of this subsection shall not have application prior to the termination of the suspension period imposed on the driver.

SECTION 8. AMENDMENT. Subsection 5 of section 39-08-01 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection.
 - a. For a first offense, the sentence must include both a fine of at least two hundred fifty dollars and referral an order for addiction evaluation to by an appropriate licensed addiction treatment program. if the addiction evaluation indicates treatment is needed, the court shall notify the commissioner.

- b. For a second offense within five years, the sentence must include at least four days' imprisonment of which forty-eight hours must be served consecutively, or ten days' community service; a fine of at least five hundred dollars; and referral an order for addiction evaluation ~~to~~ by an appropriate licensed addiction treatment program. If the addiction evaluation indicates treatment is needed, the court shall notify the commissioner.
- c. For a third offense within five years, the sentence must include at least sixty days' imprisonment, of which forty-eight hours must be served consecutively; a fine of one thousand dollars, and referral an order for addiction evaluation ~~to~~ by an appropriate licensed addiction treatment program. If the addiction evaluation indicates treatment is needed, the court shall notify the commissioner.
- d. For a fourth offense within seven years, the sentence must include one hundred eighty days' imprisonment, of which forty-eight hours must be served consecutively and a fine of one thousand dollars.
- e. A sentence or imposition of sentence under this section may not be suspended under chapter 12-53 except that a fine or a sentence of imprisonment may be suspended in any of the following instances:
- (1) Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.
 - (2) If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service, which sentence or imposition of sentence may not be suspended under chapter 12-53.
- f. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section shall be considered a prior offense if such offense was committed within the time limitations specified in this subsection.
- g. If the penalty mandated by this section includes imprisonment upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs

treatment, the court may order the defendant to undergo inpatient treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the inpatient treatment must be credited as a portion of a sentence of imprisonment under this section.

* SECTION 9. AMENDMENT. Section 39-16.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16.1-01. Application. The provisions of this chapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to ~~persons~~ any person who have has been convicted of or forfeited bail for certain offenses under motor vehicle laws, whose operator's license has been revoked or suspended or issuance has been denied as an administrative sanction under chapter 39-20, or who have has failed to pay judgments upon causes of action arising out of ownership, maintenance, or use of vehicles of a type subject to registration under the laws of this state.

SECTION 10. AMENDMENT. Section 39-16.1-07 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16.1-07. Revocation or suspension of license for reasons other than provisions of this chapter.

1. Whenever the commissioner under any other law of this state, except subsections 1 through 5 of section 39-06-40 and section 39-06-40.1, revokes the license of any person the license shall remain revoked and shall not ~~at any time thereafter~~ be renewed nor shall any license be ~~thereafter~~ issued to such person, unless ~~and until he shall give the person gives~~ and ~~thereafter maintain maintains~~ proof of financial responsibility.
2. If a person by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for ~~any~~ offense requiring the revocation of license, driving or being in actual physical control of a vehicle while under the influence in violation of section 39-08-01 or equivalent ordinance, or operating a motor vehicle upon the highway while his the person's license or privilege to drive is under suspension, revocation, or cancellation, the license or driving privilege shall remain suspended, revoked, or canceled and shall not ~~at any time thereafter~~ be renewed, nor shall any license be ~~thereafter~~ issued or returned to the person, unless ~~and until he shall give the person gives~~ and ~~thereafter maintain maintains~~ proof of financial responsibility.

* NOTE: Section 39-16.1-01 was also amended by section 101 of Senate Bill No. 2086, chapter 82.

3. If a person's operator's license has been revoked or suspended or issuance has been denied as an administrative sanction under chapter 39-20, the person's operator's license may not be renewed, nor may any license be issued or returned to the person, unless the person gives and maintains proof of financial responsibility.
4. Whenever the commissioner revokes or suspends a nonresident's operating privilege by reason of an administrative sanction under chapter 39-20, a conviction, or forfeiture of bail, the privilege shall remain so remains revoked or suspended unless the person shall have previously given or shall immediately give gives and thereafter maintain maintains proof of financial responsibility.

SECTION 11. AMENDMENT. Section 39-20-01 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-01. Implied consent to determine alcoholic and drug content of blood. Any person who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state is deemed to have given consent, and shall consent, subject to the provisions of this chapter, to a chemical test, or tests, of the blood, breath, saliva, or urine for the purpose of determining the alcoholic, other drug, or combination thereof, content of the blood. As used in this chapter the word "drug" means a "controlled substance" as defined in section 19-03.1-01, and the words "chemical test" or "chemical analysis" mean any test to determine the alcoholic, or other drug, or combination thereof, content of the blood, breath, saliva, or urine, approved by the state toxicologist under this chapter. The test or tests must be administered at the direction of a law enforcement officer only after placing the person, except persons mentioned in section 39-20-03, under arrest and informing that person that the person is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, drugs, or a combination thereof. The arresting officer shall also inform the person charged that refusal of the person to submit to the test determined appropriate will result in a revocation for one year up to three years of the person's driving privileges. The arresting officer shall determine which of the tests is to be used.

SECTION 12. AMENDMENT. Section 39-20-02 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-02. Persons qualified to administer test and opportunity for additional test. Only a physician, or a qualified technician, chemist, or registered nurse acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic, drug, or combination thereof, content therein. This

limitation does not apply to the taking of breath, saliva, or urine specimen. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer with all costs of an additional test or tests to be the sole responsibility of the person charged. The failure or inability to obtain an additional test by a person shall not preclude the admission of the test or tests taken at the direction of a law enforcement officer. Upon the request of the person who is tested, full information concerning the test or tests a copy of the operational checklist and test record of a breath sample test or analytical report of a blood, urine, or saliva sample test taken at the direction of the law enforcement officer shall be made available to him that person by the law enforcement agency which administered the test or tests.

SECTION 13. AMENDMENT. Section 39-20-03.1 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-03.1. Action following test result or on refusing test for a resident operator. If a person refused to submit to a test as provided under section 39-20-01 or 39-20-14, or if a person submits to a test under section 39-20-01, 39-20-02, or 39-20-03 and the test shows that person to have a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle, the following procedures apply:

1. The law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next twenty days, or until earlier terminated by the decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the department's commissioner's official notification to the person of the department's commissioner's intent to revoke, suspend, or deny driving privileges in this state.
2. If a test administered under section 39-20-01 or 39-20-03 was by saliva or urine sample or by drawing blood as provided in section 39-20-02 and the person tested is not a resident of an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the saliva, urine, or blood from the state toxicologist and if the analysis shows that person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight, either proceed in accordance with subdivision 1 during that person's

reappearance within the officer's jurisdiction or notify the sheriff in the county of this state a law enforcement agency having jurisdiction where the person lives. On that notification, that sheriff law enforcement agency shall immediately take possession of the person's North Dakota operator's license or permit and, within twenty-four hours, relay forward the license and a copy of the temporary operator's permit to the arresting officer. The sheriff law enforcement agency shall also, on taking possession of the person's operator's license, issue to that person a temporary operator's permit as provided in this section, and shall sign and date the permit as provided in subsection 1. The temporary operator's permit serves as the department's commissioner's official notification to the person of the department's commissioner's intent to revoke, suspend, or deny driving privileges in this state.

3. The law enforcement arresting officer, within five days of issuing the issuance of the temporary operator's permit, shall forward to the commissioner a sworn report and the person's operator's license taken under subsection 1 or 2. If the person was issued a temporary operator's permit because of the person's refusal to submit to a test or tests under section 39-20-01 or section 39-20-14, the sworn report shall include information as provided in section 39-20-04. If the person was issued a temporary operator's permit because of the results of a test, the sworn report must show that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the person was lawfully arrested, that the person was tested in accordance with section 39-20-01, 39-20-02, or 39-20-03 for blood alcohol concentration under this chapter, and that the test results of the test show that the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight. In addition to the operator's license and sworn report, the law enforcement officer shall forward to the commissioner a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood, saliva, or urine test for all tests administered at the direction of the officer.

SECTION 14. AMENDMENT. Section 39-20-03.2 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-03.2. Action following test result or on refusing test by a nonresident operator. If a person licensed in another state refuses in this state to submit to a test provided under section 39-20-01 or 39-20-14, or who submits to a test under section 39-20-01, 39-20-02,

or 39-20-03 and the test results show the person to have a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of performance of a test within two hours after driving or being in physical control of a motor vehicle, the following procedures apply:

1. Without taking possession of the person's out-of-state operator's license, the law enforcement officer shall issue to the person a notification of the test results and a temporary operator's permit extending nonresident operating privileges in this state for twenty days from the date of issuance or until earlier terminated by the decision of a hearing officer under section 39-20-05. The temporary permit shall be signed and dated by the officer and serves as the department's commissioner's official notification to the person of the department's commissioner's intent to revoke, suspend, or deny driving privileges in this state, and of the hearing procedures under this chapter.
2. If the test was administered by saliva or urine sample or by drawing blood, the law enforcement officer, on reviewing the blood alcohol concentration analysis showing the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight, shall mail the person a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for twenty days from the date of mailing or until earlier terminated by the decision of a hearing officer under section 39-20-05, and notice of the intent to revoke, suspend, or deny driving privileges in this state, together with the notice provided under section 39-06.1-07 of the procedures available under this chapter. The temporary operator's permit shall be signed and dated by the officer.
3. The law enforcement officer, within five days of issuing the temporary operator's permit, shall forward to the commissioner a sworn report and a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood, saliva, or urine test for all tests administered at the direction of the officer. If the person was issued a temporary operator's permit because of the person's refusal to submit to a test under sections 39-20-01 and 39-20-14, the sworn report shall include information as provided in section 39-20-04. If the person was issued a temporary operator's permit because of the results of a test, the sworn report must show that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the person was lawfully arrested, that the person was tested in accordance with

section 39-20-01, 39-20-02, or 39-20-03 for blood alcohol concentration under this chapter, and that the results of the test show that the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight.

SECTION 15. AMENDMENT. Section 39-20-04 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to testing. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none shall be given, but the law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next twenty days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the commissioner's official notification to the person of the commissioner's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The commissioner, upon the receipt of that person's operator's license, if taken under ~~section 39-20-03-1 or 39-20-03-2,~~ and a sworn report of the law enforcement officer, forwarded by the officer within five days after the refusal issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for ~~one year~~ the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the commissioner shall deny to the person the issuance of a license or permit for ~~one year~~ the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the commissioner shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the commissioner may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under ~~sections 39-20-03-1 and this section~~ or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

1. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
2. Two years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
3. Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests.

SECTION 16. AMENDMENT. Section 39-20-04.1 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04.1. Administrative penalty sanction for driving or being in physical control of a vehicle while having certain blood alcohol concentration.

1. After the receipt of a person's operator's license, if taken under section 39-20-03.1 or 39-20-03.2, and the sworn report of a law enforcement officer and if no written request for hearing has been received from the arrested person under section 39-20-05, or if that hearing is requested and the findings, conclusion, and decision from the hearing confirm that the law enforcement officer had reasonable grounds to arrest the person and test results show that the arrested person was driving or in physical control of a vehicle while having a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a test within two hours after driving or being in physical control of a motor vehicle, the commissioner shall suspend the person's operator's license as follows:
 - a. For ninety ninety-one days if the person was arrested for driving or being in actual physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance and the person's driving record shows that, within the five years preceding the date of the arrest, the person has not previously violated section 39-08-01 or equivalent ordinance or the

person's operator's license has not previously been suspended or revoked under this section chapter.

- b. For one year three hundred sixty-four days if the person was arrested for driving or being in actual physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance and the person's driving record shows that, within the five years preceding the date of the arrest, the person has once previously violated section 39-08-01 or equivalent ordinance or the person's operator's license has once previously been suspended or revoked under this section chapter.
- c. For two years if the person's driving record shows that within the five years preceding the date of the arrest, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests.

2. In the suspension of the person's operator's license the commissioner shall give credit for the time the person was without an operator's license after the day of the offense, except that the commissioner may not give credit for the time the person retained driving privileges through a temporary operator's permit issued under section 39-20-03.17 or 39-20-03.27 ~~or 39-20-06~~.

SECTION 17. AMENDMENT. Section 39-20-05 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-05. Administrative hearing on request.

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or ~~section~~ 39-20-04.1, the commissioner shall give the person a written notice of intention to revoke, suspend, or deny and afford that person an opportunity for a hearing if the person mails a request for the hearing to the commissioner within five days after the date of issuance of the temporary operator's permit. The hearing must be held within twenty days after the date of issuance of the temporary operator's permit, but the hearing officer may extend the hearing to within thirty days after the issuance of the temporary operator's permit if good cause is shown. If the hearing date is extended beyond twenty days from the issuance of the temporary operator's permit, the commissioner shall provide extended temporary operator's privileges to the date of the hearing. If no hearing is

requested within the time limits in this section the expiration of the temporary operator's permit serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state.

2. If the issue to be determined by the hearing concerns license suspension for operating a motor vehicle while having a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the hearing must be before a hearing officer assigned by the commissioner and at a time and place designated by the commissioner. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance; whether the person was placed under arrest; whether the person was tested in accordance with section 39-20-01 or 39-20-03 and, if applicable, section 39-20-02; and whether, based on a review of the test procedures and results, show the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood, urine, or saliva sample from the office of the state toxicologist, or a certified copy of the checklist and test records from a certified breath test operator establish prima facie the blood alcohol concentration shown therein. Whether the person was informed that the privilege to drive might be suspended based on the results of the test is not an issue.

3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-20-01 or 39-20-14, the hearing must be before a hearing officer assigned by the commissioner at a time and place designated by the commissioner. The hearing must be recorded and its. The scope of a hearing for refusing to submit to a test under section 39-20-01 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance; whether the person was placed under arrest if applicable; and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under section 39-20-14 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic accident as a driver, whether in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether

the person was informed that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.

4. At a hearing under this section, the regularly kept records of the commissioner may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, any copy of a certified copy of an analytical report of a blood, urine, or saliva sample received by the commissioner from the office of the state toxicologist or a law enforcement officer, a certified copy of the checklist and test records received by the commissioner from a certified breath test operator, and any copy of a certified copy of a certificate of the office of the state toxicologist relating to approved methods, devices, operators, materials, and checklists used for testing for blood alcohol concentration received by the commissioner from the office of the state toxicologist or the clerk of district court, are regularly kept records of the commissioner.

5. At the close of the hearing, the hearing officer shall notify the person of the hearing officer's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the hearing officer does not find in favor of the person, the copy of the decision serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. If the hearing officer finds, based on a preponderance of the evidence, that the person refused a test under section 39-20-01 or 39-20-14 or that the person was ~~operating a motor vehicle with~~ had a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the hearing officer shall immediately take possession of the person's temporary operator's permit issued under ~~section 39-20-03-1 or 39-20-03-2~~ this chapter. If the hearing officer does not find against the person, the hearing officer shall sign, date, and mark on the person's permit an extension of driving privileges for the next twenty days and shall return the permit to the person. The hearing officer shall report the findings, conclusions, and decisions to the commissioner within ten days of the conclusion of the hearing. Within two days from the date in which the commissioner receives the report, the commissioner shall mail a notice of the decision to the person who requested the hearing and, if the decision of the hearing officer is to not suspend or not revoke the person's operator's license, shall return the license to the person. If the hearing officer has determined in favor of the person, the commissioner shall return the person's operator's license. Notice of the

decision and resulting order of the commissioner is sufficient if mailed by regular mail to the address on file with the commissioner under section 39-06-20.

- 5- 6. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the commissioner's hearing officer's determination on license revocation, suspension, or denial will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. The hearing officer shall, on the date for which the hearing is scheduled, mail to the person, by regular mail, at the address on file with the commissioner under section 39-06-20, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. Even if the person for whom the hearing is scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-20-06.

SECTION 18. AMENDMENT. Section 39-20-06 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-06. Judicial review. Any person aggrieved whose operator's license or privilege has been suspended, revoked, or denied by the decision of the commissioner or a hearing officer under section 39-20-05 may, appeal within seven days after the commissioner mailed the notice date of the decision hearing under section 39-20-05 as shown by the date of the hearing officer's decision, section 28-32-15 notwithstanding, serve by serving on the commissioner and file filing a notice of appeal and specifications of error in the district court in the county where the alleged events occurred for which the demand for a test was made, or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the commissioner and to the hearing officer who rendered the decision. The Neither the commissioner or nor the court may not thereupon stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the commissioner or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It is the record on which appeal shall be determined. No additional evidence may be heard. The court shall affirm the decision of the commissioner or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the commissioner or hearing officer. The court may direct that the matter be returned to the commissioner or hearing officer for rehearing and the presentation of additional evidence.

SECTION 19. AMENDMENT. Section 39-20-07 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-07. Interpretation of chemical tests. Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor, drugs, or a combination thereof, evidence of the amount of alcohol, drugs, or a combination thereof in the person's blood at the time of the act alleged as shown by a chemical analysis of the blood, breath, saliva, or urine is admissible. For the purpose of this section:

1. A person having, at that time, a blood alcohol concentration of not more than five one-hundredths of one percent by weight is presumed not to be under the influence of intoxicating liquor.
2. Evidence that there was at that time more than five one-hundredths of one percent by weight of alcohol in the person's blood is relevant evidence, but it is not to be given prima facie effect in indicating whether the person was under the influence of intoxicating liquor.
3. A person having a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after driving or being in physical control of a vehicle is under the influence of intoxicating liquor at the time of driving or being in physical control of a vehicle.
4. Percent by weight of alcohol in the blood or blood alcohol concentration is based upon grams of alcohol per one hundred cubic centimeters of blood or grams of alcohol per two hundred ten liters of alveolar breath air or grams of alcohol per sixty-seven cubic centimeters of urine.
5. The results of the chemical analysis must be received in evidence when it is shown that the sample was properly obtained and the test was fairly administered, and if the test is shown to have been performed according to methods and with devices approved by the state toxicologist, and by an individual possessing a certificate of qualification to administer the test issued by the state toxicologist. The state toxicologist is authorized to approve satisfactory techniques, devices, and methods of chemical analysis and determine the qualifications of individuals to conduct such analysis, and shall issue a certificate to all qualified operators who shall exhibit the certificate upon demand of the person requested to take the chemical test.

6. The state toxicologist may appoint, train, certify, and supervise field inspectors of breath testing equipment and its operation, and the inspectors shall report the findings of any inspection to the state toxicologist for appropriate action. Upon approval of the methods or devices, or both, and ~~techniques~~ required to perform the tests and the persons qualified to administer them, the state toxicologist shall prepare and file written record of the approval with the highway commissioner and the clerk of the district court in each county and shall include in the record:
 - a. A ~~quarterly~~ annual register of the specific testing devices currently approved, including serial number, location, and the date and results of last inspection.
 - b. A ~~quarterly~~ annual register of currently qualified and certified operators of the devices, stating the date of certification and its expiration.
 - c. The operational check list and forms prescribing the methods and ~~techniques~~ currently approved by the state toxicologist in using the devices during the administration of the tests.

The material filed under this section may be supplemented when the state toxicologist determines it to be necessary, and any supplemental material has the same force and effect as the material that it supplements.

7. Copies of the records referred to in subsections 5 and 6, certified by the clerk of the district court, must be admitted as prima facie evidence of the matters stated in the records.
8. A certified copy of the analytical report of a blood, urine, or saliva analysis ~~signed~~ issued by the office of the state toxicologist must be accepted as prima facie evidence of the results of a chemical analysis performed under this chapter.
9. Notwithstanding any statute or rule to the contrary, the defendant in any criminal proceeding may subpoena, without cost to the defendant, the person who conducted the chemical analysis referred to in this section to testify at the trial on the issue of the amount of alcohol, drugs, or a combination thereof in the defendant's blood, breath, saliva, or urine at the time of the alleged act.
10. A signed statement from the nurse or medical technician drawing the blood sample for testing as set forth in subsection 5 is prima facie evidence that the blood sample was properly drawn and no further foundation for the admission of such evidence may be required.

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

39-20-13. State toxicologist to examine blood specimens of fatalities in accidental deaths involving a motor vehicle. In cases of death occurring on or after July 1, 1969, resulting from a motor vehicle accident or other unnatural death occurring in a motor vehicle, the county coroner shall require that a ~~blood specimen specimens~~ of at least ~~twenty cubic centimeters~~ blood, urine, and vitreous humor be withdrawn from the body of the decedent within twenty-four hours after his death by a coroner, coroner's physician, or other qualified person, prior to embalming. The ~~blood~~ specimens shall be collected and preserved by methods and techniques established by the state toxicologist. The ~~blood specimens~~ so drawn shall be sent to the state toxicologist for analysis for alcohol, carbon monoxide, and other drug content. The state toxicologist shall keep a record of all such examinations to be used for statistical purposes. The results of the examinations referred to in this section shall be used only for statistical purposes, except that the results shall be released upon the issuance of a subpoena duces tecum by a court of competent jurisdiction in any civil or criminal action. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated to interested state and local officials and made public by the state toxicologist. Any person drawing ~~blood the specimens~~ and any person making any examination ~~of blood~~ under the terms of this section shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed. The individual drawing the ~~blood sample specimens~~ shall be paid a fee of five dollars by the state toxicologist for each acceptable ~~blood~~ specimen submitted for analysis under the requirements of this section.

SECTION 21. AMENDMENT. Section 39-20-14 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-14. Screening tests. Any person who operates a motor vehicle upon the public highways of this state is deemed to have given consent to submit to an onsite screening test or tests of the person's breath for the purpose of estimating the alcohol content of the person's blood upon the request of a law enforcement officer who has reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol. A person may not be required to submit to a screening test or tests of breath while at a hospital as a patient if the medical practitioner in immediate charge of the person's case is not first notified of the proposal to make the requirement, or objects to the test or tests on the ground that such would be prejudicial to the proper care or treatment of the patient. The screening test or tests shall be performed by an enforcement officer certified as a chemical test operator by the state toxicologist and according to methods and with devices approved by

* NOTE: Section 39-20-13 was also amended by section 1 of House Bill No. 1140, chapter 443.

the state toxicologist. The results of such screening test shall be used only for determining whether or not a further test shall be given under the provisions of section 39-20-01. The officer shall inform the person that refusal of the person to submit to a screening test will result in a revocation for one year up to three years of that person's driving privileges. If such person refuses to submit to such screening test or tests, none shall be given, but such refusal shall be sufficient cause to revoke such person's license or permit to drive in the same manner as provided in section 39-20-04, and a hearing as provided in section 39-20-05 and a judicial review as provided in section 39-20-06 shall be available. No provisions of this section shall supersede any provisions of chapter 39-20, nor shall any provision of chapter 39-20 be construed to supersede this section except as provided herein. For the purposes of this section, "chemical test operator" means a person certified by the state toxicologist as qualified to perform analysis for alcohol in a person's blood, breath, saliva, or urine.

SECTION 22. AMENDMENT. Section 40-18-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-12. Commitment for violation of city ordinance - Limitation - Labor in lieu of fine - Diagnosis and treatment of persons convicted while driving under the influence. If the defendant is found guilty of the violation of a municipal ordinance and is committed as provided in section 40-11-12, the governing body may provide by ordinance that the defendant work for the ~~municipality~~ city at such labor as the defendant's strength and health permit, not exceeding eight hours in each working day. For that work, the person so imprisoned must be allowed for each day, exclusive of board, ten dollars on account of the fines and costs assessed. If a person is convicted under an ordinance prohibiting driving or being in physical control of a vehicle while under the influence of an intoxicating liquor or a narcotic drug, the court shall ~~refer~~ order the person to an appropriate licensed addiction treatment program for addiction evaluation and, ~~if the evaluation indicates that treatment is needed, report to the state highway commissioner in accordance with section 39-08-01.~~

Approved April 15, 1985

CHAPTER 430

HOUSE BILL NO. 1287
(Thompson, Nalewaja)

DRIVING WITHOUT LIABILITY INSURANCE

AN ACT to create and enact a new subsection to section 39-06.1-05 and a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to traffic violations excluded from treatment as noncriminal and to points assigned against an operator's license; to amend and reenact section 39-08-20 of the North Dakota Century Code, to provide a penalty for driving without liability insurance; and to repeal subsection 6 of section 39-06.1-06 and paragraph 25 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to noncriminal disposition of the offense of driving without liability insurance.

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

SECTION 1. A new subsection to section 39-06.1-05 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Driving without liability insurance in violation of
section 39-08-20.

SECTION 2. A new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Operating a motor vehicle 6 points
without liability insurance,
in violation of
section 39-08-20

SECTION 3. AMENDMENT. Section 39-08-20 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-20. Driving without liability insurance prohibited - Penalty. ~~No~~
A person shall may not drive a motor vehicle in this state without a

valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of such that motor vehicle in the amount required by chapter 39-16.1. Violation of this section is a class B misdemeanor.

SECTION 4. REPEAL. Subsection 6 of section 39-06.1-06 and paragraph 25 of subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 31, 1985

CHAPTER 431

HOUSE BILL NO. 1271
(Conmy, Winkelman)

MOTOR VEHICLE EQUIPMENT AND MODIFICATIONS

AN ACT to create and enact a new subsection to section 39-06.1-05 of the North Dakota Century Code, relating to offenses excluded from the noncriminal disposition procedure for certain traffic offenses; to amend and reenact section 39-21-45.1 and subsection 1 of section 39-21-46 of the North Dakota Century Code, relating to motor vehicle equipment and modifications to motor vehicles; and to declare an emergency.

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

SECTION 1. A new subsection to section 39-06.1-05 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

Operating a modified motor vehicle in violation of section 39-21-45.1.

SECTION 2. AMENDMENT. Section 39-21-45.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-45.1. Modification of motor vehicle. It shall be unlawful for any Except as otherwise provided in this section, a person to may not operate upon a public highway a motor vehicle of a type required to be registered under the laws of this state with an unloaded a weight of six seven thousand pounds [2721.55 3175.14 kilograms] or less with alterations or changes from the manufacturer's original design, except that nothing contained herein shall prevent a person from operating a motor vehicle on a public highway with normal wear provided that the normal wear shall not affect the control of the vehicle. The registrar shall promulgate rules and requirements which, so far as possible, shall conform to the regulations established by the vehicle equipment safety commission and the federal motor vehicle safety standards of the suspension, steering, or braking system of the motor vehicle. The weight must be computed on the basis of the unmodified and unloaded weight of the motor vehicle, and without regard to any ballast that may be placed in the

vehicle. As to bumpers, motor vehicle height, and permitted modifications, the following requirements also apply:

1. The motor vehicle must be equipped with front and rear bumpers.
2. The maximum body height permitted for the motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area.
3. The maximum bumper height permitted is twenty-seven inches [68.58 centimeters]. Measurement of bumper height is made from a level ground surface to the highest point on the bottom of the bumper.
4. The vehicle may be modified in accordance with the following:
 - a. Any modifying equipment must meet specialty equipment marketing association standards.
 - b. If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must comply with department of transportation requirements.
 - c. The maximum outside diameter permitted for tires is forty-four inches [111.76 centimeters].
 - d. A horizontal drop bumper may be used to comply with the bumper height requirement of subsection 3. The horizontal bumper must:
 - (1) Be at least three inches [7.62 centimeters] in vertical width;
 - (2) Extend the entire horizontal body width; and
 - (3) Be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
 - e. The maximum lift permitted in the suspension system is four inches [10.16 centimeters].
5. A person charged with violating this section has the burden of proceeding to show that the modifications are permitted under this section.
6. Vehicles owned by law enforcement agencies, the military, fire fighting agencies, and ambulances, may be modified without regard to this section.

7. The registrar may adopt rules to implement this section.

SECTION 3. AMENDMENT. Subsection 1 of section 39-21-46 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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~~ the actor knows to be in such unsafe condition as to endanger any person, or which ~~he~~ the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter, or which ~~he~~ the actor 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 that person~~ knows is unsafe or improperly equipped ~~shall be~~ is guilty of an infraction.

SECTION 4. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 27, 1985

CHAPTER 432

HOUSE BILL NO. 1425
(Representatives Whalen, Wald)
(Senator Maixner)

SPEEDING PENALTIES

AN ACT to create and enact a new subsection to section 39-06.1-06 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to penalties for violation of highway speed limits; to amend and reenact subsection 3 of section 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to highway speed limits and penalties for violating highway speed limits; and to provide a contingent effective date.

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

SECTION 1. AMENDMENT. Subsection 3 of section 39-06.1-06 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. For Except as provided in section 2 of this Act, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph 35 mph over limit
46 +	\$100 plus \$5/each mph 45 mph over limit

SECTION 2. A new subsection to section 39-06.1-06 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is

sixty-five miles per hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

<u>Speed</u>	<u>Fee</u>
66 - 70	\$ 10 plus \$1/each mph over 65
71 - 75	\$ 15 plus \$2/each mph over 70
76 - 80	\$ 25 plus \$3/each mph over 75
81 - 90	\$ 40 plus \$3/each mph over 80
91 - 100	\$ 70 plus \$3/each mph over 90
101 +	\$100 plus \$5/each mph over 100

* SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (33) Operating Except as provided in section 4 of this Act, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance
- | | |
|------------------------|-----------|
| 6 - 10 mph over limit | 1 point |
| 11 - 15 mph over limit | 2 points |
| 16 - 20 mph over limit | 3 points |
| 21 - 25 mph over limit | 4 points |
| 26 - 35 mph over limit | 6 points |
| 36 - 45 mph over limit | 8 points |
| 46 + mph over limit | 12 points |

SECTION 4. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is sixty-five miles per hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

<u>Speed (mph)</u>	<u>Points</u>
71 - 75	1
76 - 80	4
81 - 90	7
91 - 100	10
101 +	12

SECTION 5. AMENDMENT. Subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- f. ~~Fifty-five~~ Sixty-five miles [~~88.51~~ 104.61 kilometers] an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

* NOTE: Section 39-06.1-10 was also amended by section 1 of House Bill No. 1480, chapter 434.

SECTION 6. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the governor certifies to the secretary of state and to the highway commissioner that the federal restrictions on speed limits exceeding fifty-five miles per hour are no longer in effect, but only if that day is before July 1, 1987.

Approved March 28, 1985

CHAPTER 433

SENATE BILL NO. 2236
(Committee on Transportation)
(At the request of the Highway Patrol)

MOVING VIOLATION

AN ACT to amend and reenact section 39-06.1-09 of the North Dakota Century Code, relating to the definition of a moving violation.

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

SECTION 1. AMENDMENT. Section 39-06.1-09 of the 1983 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 39-04-22; subsection 1 of section 39-04-37; sections 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; 39-09-04.1; 39-09-09; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapters 39-10, 39-10.2, or 39-21, or equivalent ordinances, except ~~section~~ sections 39-21-01, 39-21-44, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

Approved March 22, 1985

CHAPTER 434

HOUSE BILL NO. 1480
(A. Olson, V. Olson, D. Olsen)

SPEEDING VIOLATION POINT ASSESSMENT

AN ACT to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assessment of points for certain speeding violations; and to amend and reenact paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assessment of points for speeding violations.

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

* SECTION 1. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

(33) <u>Operating Except as provided</u>	
<u>in section 2 of this Act, operating</u>	
<u>a motor vehicle in excess of</u>	
<u>speed limit in violation of section</u>	
<u>39-09-02, or equivalent ordinance</u>	
6 - 10 mph over limit	1 point
11 - 15 mph over limit	2 points
16 - 20 mph over limit	3 points
21 - 25 mph over limit	4 points
26 - 35 mph over limit	6 points
36 - 45 mph over limit	8 points
46 + mph over limit	12 points

SECTION 2. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Within city limits on a noncontrolled access
highway, operating a motor vehicle in excess of
the speed limit in violation of section 39-09-02,
or equivalent ordinance

6 - 10 mph over limit 1 point

* NOTE: Section 39-06.1-10 was also amended by section 3 of House Bill No. 1425, chapter 432.

<u>11 - 15 mph over limit</u>	<u>2 points</u>
<u>16 - 20 mph over limit</u>	<u>3 points</u>
<u>21 - 25 mph over limit</u>	<u>4 points</u>
<u>26 - 35 mph over limit</u>	<u>6 points</u>
<u>36 - 45 mph over limit</u>	<u>8 points</u>
<u>46 + mph over limit</u>	<u>12 points</u>

Approved March 28, 1985

CHAPTER 435

HOUSE BILL NO. 1331
(Representatives Thompson, Wald, Whalen)

ACCIDENT REPORTS

AN ACT to amend and reenact section 39-08-09, subsection 6 of section 39-08-13, and section 39-16-05 of the North Dakota Century Code, relating to accidents involving motor vehicles for which a report to law enforcement agencies is required.

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

SECTION 1. AMENDMENT. Section 39-08-09 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-09. Immediate notice 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 ~~four hundred at least six hundred dollars or more~~, shall immediately give notice of ~~such the~~ accident to the local police department if ~~such the~~ accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five days of the accident the driver shall supply that information to the driver's license division in the form the division requires.

The commissioner may suspend the license or permit to drive and any nonresident operating privileges of any person failing to comply with the duties as provided in sections 39-08-06 through 39-08-09 until ~~such those~~ duties have been fulfilled, and the commissioner may extend ~~such the~~ suspension not to exceed thirty days.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Upon request of any person and upon payment of a fee of two dollars, the commissioner may furnish to a requestor a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer, if the report shows that death, personal injury, or property damage of four hundred dollars or more resulted from the accident is one for which a driver is required to file a report under section 39-08-09.

* SECTION 3. AMENDMENT. Section 39-16-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-16-05. Suspension of license and when not applicable.

1. 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 four hundred dollars for which a driver is required to file a report under section 39-08-09, shall suspend the license of each driver of each vehicle in any manner involved in such the accident, and if such. If the 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. 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 the 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.

* NOTE: Section 39-16-05 was also amended by section 1 of House Bill No. 1369, chapter 442, and amended by section 70 of Senate Bill No. 2079, chapter 317.

2. This section ~~shall~~ does not apply under the conditions stated in section 39-16-06, or:
- 1- a. 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- b. 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- c. 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.
3. 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 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 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 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.

Approved March 14, 1985

CHAPTER 436

HOUSE BILL NO. 1101
(Representatives Nalewaja, R. Berg)
(Senator Matchie)

HAZARDOUS CONDITIONS ROAD CLOSING

AN ACT to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to rules of the road regarding roads closed for public safety because of hazardous conditions; to amend and reenact paragraph 17 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the penalty for disobeying traffic control devices; and to declare an emergency.

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

SECTION 1. AMENDMENT. Paragraph 17 of subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

(17) Disobeying a <u>an official</u>	2 points
traffic-control <u>signal device</u>	
in violation of section	
39-10-04, 39-10-05,	
or 39-10-07, or	
equivalent ordinances	

SECTION 2. A new section to chapter 39-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Closing road because of hazardous conditions - Posting of official traffic control devices - Entering closed road prohibited. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions if that closing is necessary for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, conditions permitting, post appropriate official traffic control devices to advise motorists of the closing. Each operator of a motor vehicle shall obey the traffic control device.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 14, 1985

CHAPTER 437

HOUSE BILL NO. 1176
(Committee on Transportation)
(At the request of the Highway Department)

TRAFFIC SIGNS

AN ACT to amend and reenact section 39-10-44 of the North Dakota Century Code, relating to traffic signs.

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

SECTION 1. AMENDMENT. Section 39-10-44 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-44. Stop signs and yield signs.

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in section 39-07-03.
2. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
3. Every stop sign shall bear the word "STOP" in letters not less than eight inches {20-32 centimeters} in height. Every yield sign shall bear the word "YIELD" in letters not less than six inches {15-24 centimeters} in height. Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a light projected on the face of the sign or by efficient reflecting elements in the face of the sign.
4. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting

roadway where the driver has a view of approaching traffic on the intersecting roadway.

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

Approved February 4, 1985

CHAPTER 438

HOUSE BILL NO. 1396
(R. Anderson)

FLEEING A POLICE OFFICER

AN ACT to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the penalty for fleeing or attempting to elude a police officer.

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

SECTION 1. AMENDMENT. Section 39-10-71 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-71. Fleeing or attempting to elude a police officer. Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class B A misdemeanor. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

Approved March 14, 1985

CHAPTER 439

HOUSE BILL NO. 1451
(Hedstrom)

MOTORCYCLE HEADGEAR FOR MINORS

AN ACT to create and enact a new subsection to section 39-10.2-06 of the North Dakota Century Code, relating to the operation of a motorcycle where a passenger under eighteen years of age is not wearing protective headgear.

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

SECTION 1. A new subsection to section 39-10.2-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

No person shall operate a motorcycle if a person under the age of eighteen years is a passenger upon that motorcycle and is not wearing protective headgear as provided in subsection 1.

Approved March 22, 1985

CHAPTER 440

SENATE BILL NO. 2200
(Committee on Transportation)
(At the request of the Highway Patrol)

MOTOR VEHICLE SIZE AND WEIGHT

AN ACT to create and enact a new subsection to section 39-12-05 of the North Dakota Century Code, relating to a provision for vehicle weight exemptions; to amend and reenact section 39-12-02, subsection 1 of section 39-12-04, and subsections 1 and 2 of section 39-12-05 of the North Dakota Century Code, relating to permits and adoption of rules governing the operation of certain motor vehicles and to the size and weights of vehicles; and to repeal section 39-18-05 of the North Dakota Century Code, relating to the allowable width, length, and height of mobile homes operated in the state of North Dakota.

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

SECTION 1. AMENDMENT. Section 39-12-02 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees. The ~~commissioner~~, highway patrol, and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be opened to inspection by any peace officer. It shall be a violation of the provisions of this chapter for any person to violate any of the terms or conditions of such special permit. All permits for the movement of excessive size and weight on state highways shall be single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.

An appropriate charge shall be made for each permit and all funds collected hereunder by the ~~state highway commissioner and~~ highway patrol shall be deposited in the state highway fund and are hereby appropriated for use in the construction and maintenance of highways and operating expenses of the highway department. For each permit for the movement of a mobile home or modular unit, the fee is five dollars. Official or publicly owned vehicles shall not be required to pay charges for permits. The director of tax equalization of the county of destination shall be furnished a copy of the permit for the movement of an overdimensional mobile home.

SECTION 2. AMENDMENT. Subsection 1 of section 39-12-04 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-04. Width, height, and length limitations on vehicles - Exceptions. Vehicles operated on a highway in this state shall not exceed the following width, height, or length limitations:

1. A total outside width, including load thereon, of eight feet, six inches [~~2-44~~ 2.59 meters]. This limitation shall not apply to:
 - a. ~~Vehicles not exceeding one hundred two inches {259-08 centimeters} while operated on these highways designated by the commissioner-~~
 - b- Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed ten feet [3.05 meters] in width when being moved by contractors or resident carriers.
 - e- b. Implements of husbandry being moved by resident farmers, ranchers, or dealers between sunrise and sunset. Furthermore, the limitation shall not apply to implements of husbandry being moved between sunset and sunrise by resident farmers, ranchers, or dealers on public state, county, or township highway systems other than interstate highway systems.
 - d- c. Hay in the stack or bale being moved along the extreme right edge of a roadway between sunrise and sunset by someone other than a commercial mover; provided, that the commissioner or local authorities may adopt reasonable rules and regulations governing such movements-
 - e- Commercial haystack movers who have a seasonal permit to move haystacks or hay bales, which shall be obtained from the commissioner upon filing proof of liability insurance coverage in an amount of not less than fifty thousand dollars and the payment of a permit fee of fifteen dollars, which shall be in lieu

of registration requirements during the period covered by such permit:

- f. Overwidth self-propelled fertilizer spreaders and hay grinders if the owners have seasonal permits with such restrictions as required by the commissioner, which shall be obtained from the commissioner upon filing proof of liability insurance coverage in an amount of not less than fifty thousand dollars and the payment of a permit fee of fifteen dollars.
- d. Commercial movement of haystacks or hay bales with vehicles designed specifically for hauling hay, overwidth self-propelled fertilizer spreaders, and overwidth hay grinders, which may be operated on the highway after obtaining a permit issued by the highway patrol. The permit shall be in lieu of registration requirements for the permit period. No permit shall be issued, unless proof of financial responsibility in a minimum of three hundred thousand dollars is filed and the appropriate permit fee is paid. The permit may also be issued for hauling hay bales with vehicles or vehicle combinations other than those designed specifically for hauling haystacks. This permit, however, will not be in lieu of registration requirements. All permit fees shall be deposited in the state highway distribution fund.
- e. The highway patrol may adopt reasonable rules for those vehicles exempted from the width limitations as provided for in this subsection.

All vehicles, including their load, exempted from the width limitations provided by this subsection, when operating on a public highway, shall be preceded and followed by a flagman, or shall have mounted a sign or device on a pole or rod of such type and such height as approved by the commissioner, indicating the presence of an overwidth, slow-moving vehicle.

SECTION 3. AMENDMENT. Subsections 1 and 2 of section 39-12-05 of the 1983 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle and, on axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms]

per axle. On state highways and subject to the approval of the highway commissioner, from December first to March seventh, the limitations on gross weight provided in this subsection may be exceeded by ten percent. On county highways and subject to the approval of the board of county commissioners, from December first to March seventh, the limitations on gross weights provided in this subsection may be exceeded by ten percent. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.

2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, the gross weight of which 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 more than one axle; L equals distance in feet between the extremes of any group of consecutive axles; and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds [15,422.14 kilograms] each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least thirty-six feet [10.97 meters]. On all state highways and unless otherwise posted, the gross weight may not exceed one hundred five thousand five hundred pounds [47,854.00 kilograms]. On the interstate system and on all other highways the gross weight may not exceed eighty thousand pounds [36,287.57 kilograms] except that highways under the jurisdiction of local authorities may be designated by them for gross weights not over one hundred five thousand five hundred pounds [47,854.00 kilograms]. The gross weight limitations do not apply to equipment that the state highway commissioner or patrol and the commissioner's agents commissioner approve for exemption. The exemption may not exceed eighty thousand pounds [36,287.57 kilograms] on the interstate system and one hundred five thousand five hundred pounds [47,854.00 kilograms] on all other highways. For every vehicle approved for exemption the commissioner highway patrol shall issue a nontransferable certificate of exemption valid for one year. The commissioner highway patrol may charge an administrative fee for the certificate.

SECTION 4. A new subsection to section 39-12-05 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The commissioner, and local authorities, as to the highways under their respective jurisdictions, may issue certificates authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The certificates may not provide for a gross weight in excess of eighty thousand pounds [36,287.57 kilograms] on the interstate system, nor a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms] on any other highway. The certificates shall provide only for the movement of agricultural products from the field to the initial storage site, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the certificates and direct how they shall be issued. All certificate fees collected by the highway patrol shall be deposited in the highway distribution fund.

SECTION 5. REPEAL. Section 39-18-05 of the 1983 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 27, 1985

CHAPTER 441

SENATE BILL NO. 2214
(Committee on Transportation)
(At the request of the Highway Patrol)

EXTRAORDINARY ROAD USE

AN ACT to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to the voluntary payment of extraordinary road use fees; to amend and reenact sections 39-12-14, 39-12-16, and 39-12-20 of the North Dakota Century Code, relating to the civil procedure applicable to overweight vehicles and the disbursement of extraordinary road use fees.

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

SECTION 1. AMENDMENT. Section 39-12-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-14. Civil complaint. ~~The commissioner with the assistance of the attorney general or the state's attorney~~ of the county where such vehicles are impounded, shall, if no settlement is made under section 4 of this Act, immediately prepare and file a civil complaint on behalf of the authority having jurisdiction of the road whereon the violation occurred, for the purpose of recovering charges for the extraordinary use of the highways, streets, or roads of this state.

SECTION 2. AMENDMENT. Section 39-12-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-16. Cash bond - Holding. Unless a cash bond shall be furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets, and roads, as provided in section 39-12-18, together with the costs, which may be collectable under any subsequent settlement made pursuant to section 4 of this Act, said vehicle shall be held until a trial of the case can be had before the district court.

SECTION 3. AMENDMENT. Section 39-12-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-20. Proceeds of sale. The proceeds of sale shall be applied first to the payment of the costs of the proceedings,

including attorneys and witness fees and costs, and next to the payment of the charges assessed. Such charges shall be remitted to the state treasurer to be credited to the highways construction fund; and the moneys so collected are hereby appropriated for use by the state highway department in the construction or reconstruction of highways, roads, and streets of this state. The balance of the proceeds of any sale after the payment of costs and charges shall be paid over by the sheriff to the person entitled thereto as determined by the court, or shall be deposited with the clerk of court for such payment.

SECTION 4. A new section to chapter 39-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

Voluntary settlement of extraordinary road use fee charges. Before the complaint is issued pursuant to section 39-12-14, the owner, his driver or agent, may voluntarily pay the amount of the extraordinary road use fee provided under section 39-12-17, plus any towing or storage costs. Any settlement, whether made by the owner, his driver or agent, shall be presumed to be of a voluntary nature. A peace officer is authorized to receive the settlement payment on behalf of the authority having jurisdiction of the road whereon the violation occurred. The extraordinary road use fees shall be remitted to the state treasurer to be credited to the highway fund.

Approved March 31, 1985

CHAPTER 442

HOUSE BILL NO. 1369
(Wald)

MOTOR VEHICLE INSURANCE REQUIREMENT

AN ACT to amend and reenact sections 39-16-05, 39-16.1-02, subsection 3 of section 39-16.1-05, and subdivision b of subsection 2 of section 39-16.1-11 of the North Dakota Century Code, relating to required level of insurance against liability for damage to property arising from the operation of motor vehicles.

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

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

39-16-05. Suspension of license and when not applicable. The commissioner, within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of 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

* NOTE: Section 39-16-05 was also amended by section 3 of House Bill No. 1331, chapter 435, and amended by section 70 of Senate Bill No. 2079, chapter 317.

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 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 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 ten at least~~ twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of notice of such accident, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident, or the department may rely upon the accuracy of the information and the required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

SECTION 2. AMENDMENT. Section 39-16.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 3. AMENDMENT. Subsection 3 of section 39-16.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. When ~~ten~~ twenty-five 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 4. AMENDMENT. Subdivision b of subsection 2 of section 39-16.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 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: 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, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~ten~~ twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

Approved March 22, 1985

CHAPTER 443

HOUSE BILL NO. 1140
(Committee on Social Services and Veterans Affairs)
(At the request of the Highway Department)

BLOOD TESTS IN MOTOR VEHICLE FATALITIES

AN ACT to amend and reenact section 39-20-13 of the North Dakota Century Code, relating to blood tests in motor vehicle accidents resulting in a fatality.

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

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

39-20-13. State toxicologist to examine blood specimens of fatalities in accidental deaths involving a motor vehicle. In cases of death ~~occurring on or after July 1, 1969,~~ resulting from a motor vehicle accident or other unnatural death occurring in a motor vehicle, the county coroner shall require that a blood specimen of at least twenty cubic centimeters be withdrawn from the body of the decedent within twenty-four hours after his death by a coroner, coroner's physician, or other qualified person, prior to embalming. The blood specimens shall be collected and preserved by methods and techniques established by the state toxicologist. The blood so drawn shall be sent to the state toxicologist for analysis for alcohol, carbon monoxide, and other drug content. The state toxicologist shall keep a record of all such examinations to be used for statistical purposes. The records must be made available to the commissioner for use by the national highway traffic safety administration in analyzing fatal accidents. The information in the possession of the commissioner may be obtained from the state toxicologist only as provided in this section. Except as provided, the results of the examinations referred to in this section shall be used only for statistical purposes, except that the results shall be released upon the issuance of a subpoena duces tecum by a court of competent jurisdiction in any civil or criminal action. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated to interested state and local officials and made public by the state toxicologist. Any person drawing blood and any person making any examination of blood under the terms of this section shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed. The individual drawing the blood sample shall be paid a fee of five dollars by the state toxicologist for each acceptable blood specimen submitted for analysis under the requirements of this section.

Approved March 27, 1985

* NOTE: Section 39-20-13 was also amended by section 20 of Senate Bill No. 2373, chapter 429.

CHAPTER 444

HOUSE BILL NO. 1449
(Hedstrom)

CHILD RESTRAINT DEVICE PENALTY

AN ACT to amend and reenact subsection 2 of section 39-21-41.2 of the North Dakota Century Code, relating to child restraint devices; and to provide a penalty.

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

SECTION 1. AMENDMENT. Subsection 2 of section 39-21-41.2 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Violation of this section is an ~~infraction~~ and is punishable by a fine not to exceed twenty dollars. The fine may be suspended on showing proof of acquiring a child restraint system complying with this section within one month of the violation.

Approved March 14, 1985

CHAPTER 445

HOUSE BILL NO. 1201
(Committee on Transportation)
(At the request of the Highway Patrol)

DRAWBAR FOR TOWED VEHICLES

AN ACT to amend and reenact section 39-21-44.2 of the North Dakota Century Code, relating to a drawbar or other connection between vehicles.

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

SECTION 1. AMENDMENT. Section 39-21-44.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-44.2. Drawbar or connection between vehicles - Regulations and precautions required. The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet {4.57 meters} in length from one vehicle to the other be of such design, strength, and construction so as to prevent the unintentional uncoupling of the vehicles. Whenever such connection consists of a chain, rope, or cable, there shall be displayed thereon a red flag or other signal or cloth not less than twelve inches {30.48 centimeters} both in length and width.

Approved February 22, 1985

CHAPTER 446

SENATE BILL NO. 2167
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

ODOMETER ALTERATION

AN ACT to create and enact a new subsection to section 39-22-04 of the North Dakota Century Code, relating to grounds for denial, suspension, cancellation, or revocation of dealer's license; to amend and reenact section 39-21-51 of the North Dakota Century Code, relating to alteration of odometers; and to provide a penalty.

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

SECTION 1. AMENDMENT. Section 39-21-51 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-51. Alteration of odometers or other mileage recorders, hour meters on tachometers or other hour recorders - Penalty. Any person altering a person may not willfully, as defined in section 12.1-02-02, alter a motor vehicle odometer or other mileage recorder, hour meter on tachometer or other hour recorder for the purpose of deceiving another; shall be guilty of an infraction. Violation of this section is a class C felony if the person has previously been convicted of violating this section, or if the person has violated this section with respect to more than one vehicle, and a class B misdemeanor in all other cases.

SECTION 2. A new subsection to section 39-22-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

For having violated any state or federal law relating to alteration of odometers.

Approved March 31, 1985

CHAPTER 447

SENATE BILL NO. 2447
(Freborg)PERFORMANCE BONDS ON GOVERNMENT VEHICLE
PURCHASES

AN ACT to amend and reenact section 39-22-05.2 of the North Dakota Century Code, relating to performance bonds of contracts to sell motor vehicles to governmental agencies.

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

SECTION 1. AMENDMENT. Section 39-22-05.2 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-05.2. When bid bonds not required in bids to state or political subdivisions. Any A 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~~ is not be required to submit a bidder's bond or a certified or cashier's check if that person is already bonded pursuant to section 39-22-05. The If the buyer requires a performance bond, then within ten days of the awarding of the contract, 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 22, 1985

CHAPTER 448

SENATE BILL NO. 2223
(Committee on Transportation)
(At the request of the Parks and Recreation Department)

SNOWMOBILES

AN ACT to amend and reenact subsection 9 of section 39-24-01, subsection 5 of section 39-24-09, and section 39-24-09.1 of the North Dakota Century Code, relating to the definition and operation of snowmobiles.

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

SECTION 1. AMENDMENT. Subsection 9 of section 39-24-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by wheels, skis, or runners.

SECTION 2. AMENDMENT. Subsection 5 of section 39-24-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. It shall be unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or a controlled substance.
 - d. Without a lighted head lamp and tail lamp when required for safety.

- e. In any tree nursery or planting in a manner which damages or destroys growing stock.
- f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.
- g. Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name and address of the person posting the land and the date of posting shall appear on each sign in legible characters. The posted signs shall be readable from the outside of the land and shall be placed conspicuously at a distance of not more than ~~eighty rods [402.34 meters]~~ 880 yards [804.68 meters] apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of such signs at or on all gates through such fence or enclosure, shall be construed to be a posting of all such enclosed lands.

SECTION 3. AMENDMENT. Section 39-24-09.1 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-09.1. 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 person holding a valid driver's license.~~ 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.

Approved April 4, 1985

CHAPTER 449

SENATE BILL NO. 2213
(Committee on Transportation)
(At the request of the Highway Patrol)

COMMERCIAL DRIVER TRAINING SCHOOLS

AN ACT to amend and reenact section 39-25-05 of the North Dakota Century Code, relating to the expiration and renewal of commercial driver training school licenses and fees.

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

SECTION 1. AMENDMENT. Section 39-25-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-25-05. Expiration and renewal of licenses - Fees. All licenses shall expire on the last day of the calendar year and may be renewed upon application to the superintendent as prescribed by his regulations. Each application for an original or renewal school license shall be accompanied by a fee of ~~five~~ twenty-five dollars, and each application for an original or renewal instructor's license shall be accompanied by a fee of ~~two~~ ten dollars. Such fees shall be deposited in the state treasury in the state highway fund. No license fees shall be refunded in the event any license is rejected, suspended, or revoked.

Approved March 22, 1985

CHAPTER 450

SENATE BILL NO. 2165
(Committee on Transportation)
(At the request of the Motor Vehicle Department)

MOTORCYCLE WHEEL RIM DIAMETERS

AN ACT to amend and reenact subsection 3 of section 39-27-05 of the North Dakota Century Code, relating to wheel rim diameters for motorcycles.

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

SECTION 1. AMENDMENT. Subsection 3 of section 39-27-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Wheel rim diameters shall not be less than ten inches [25.4 centimeters] and shall otherwise comply with applicable state standards, as promulgated by the registrar of motor vehicles. Two-wheel motorcycles using low pressure tires are exempt from this subsection if the inflated height of the tire is twenty inches or greater.

Approved February 6, 1985

CHAPTER 451

SENATE BILL NO. 2399
(Senator Heinrich)
(Representative Timm)

MOTORCYCLE PASSENGER HANDHOLDS

AN ACT to repeal section 39-27-19 of the North Dakota Century Code,
relating to handhold devices for passengers on motorcycles.

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

SECTION 1. REPEAL. Section 39-27-19 of the North Dakota
Century Code is hereby repealed.

Approved March 22, 1985

CHAPTER 452

HOUSE BILL NO. 1464
(Representatives Richard, Gates, Rydell)
(Senator Langley)

ALL-TERRAIN VEHICLE REGISTRATION

AN ACT to create and enact chapter 39-30 of the North Dakota Century Code, relating to operation, registration, and use of all-terrain vehicles; to provide for first registration of all-terrain vehicles under this Act; to provide a penalty; and to declare an emergency.

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

* SECTION 1. Chapter 39-30 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-30-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "All-terrain vehicle" means a motor vehicle using more than two low pressure tires and with a dry weight of less than twelve hundred pounds [544.31 kilograms].
2. "Dealer" means any person engaged in the business of buying, selling, or exchanging all-terrain vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of all-terrain vehicles, or who engages in the buying of all-terrain vehicles for resale.
3. "Operate" means to ride in or on and control the operation of an all-terrain vehicle.
4. "Operator" means a person who operates or is in actual physical control of an all-terrain vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an all-terrain vehicle and entitled to its use or possession.
6. "Register" means the act of assigning a registration number to an all-terrain vehicle.

* NOTE: This new chapter has been codified as North Dakota Century Code chapter 39-29.

39-30-02. All-terrain vehicle registration - Title certificate - General requirements. Except as provided in this chapter, a person may not operate an all-terrain vehicle unless it has been registered in accordance with this chapter.

39-30-03. Registration - Application - Issuance - Fees - Renewal.

1. Application for registration must be made to the motor vehicle department in the form the department prescribes and furnishes. The registration must state the name and address of every owner of the all-terrain vehicle and be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
2. On receipt of an application and the appropriate fee, the department shall register the all-terrain vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner.
3. The fee for registration of each all-terrain vehicle is five dollars for a registration period of two years. For a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars. For each all-terrain vehicle registered under this chapter, there is an all-terrain vehicle trail tax of five dollars.
4. The owner of an all-terrain vehicle shall renew the registration in the manner the department prescribes and pay the registration fees and applicable tax provided in subsection 3.
5. On application for registration as prescribed in subsection 2, and on payment of the amounts prescribed in subsection 3, an all-terrain vehicle dealer is entitled to be issued registration numbers distinctively marked as dealer's registration numbers. The dealer's registration numbers may be used only on all-terrain vehicles owned by the dealership.

39-30-04. Exemption from registration - Exemption from fees.

1. Registration and payment of fees is not required of:
 - a. All-terrain vehicles owned and used by the United States or another state or its political subdivisions.
 - b. All-terrain vehicles registered in a foreign country and temporarily used in this state.

- c. All-terrain vehicles validly licensed in another state and which have not been within this state for more than thirty consecutive days.
 - d. All-terrain vehicles used exclusively for work on private agricultural lands or on industrial jobsites on private land.
 - e. All-terrain vehicles used exclusively in organized track racing events.
2. All-terrain vehicles owned by the state or any of its political subdivisions are exempt from the registration fees in section 39-30-03.

39-30-05. Disposition of registration fees.

1. Fees from registration of all-terrain vehicles must be deposited with the state treasurer and credited to the motor vehicle registrar fund.
2. The all-terrain vehicle trail tax must be deposited in a state fund in the state treasury. The state parks and recreation department may, on appropriation by the legislative assembly, expend from that fund moneys for establishing all-terrain vehicle facilities, all-terrain vehicle use areas, and all-terrain vehicle safety and education programs.

39-30-06. Transfer or termination of all-terrain vehicle ownership - Change of address of owner. Within fifteen days after the transfer of any ownership interest in an all-terrain vehicle, other than a security interest, or the destruction or abandonment of any all-terrain vehicle, or a change of address of the owner as listed with the application for registration, written notice of the fact must be given by the new owner to the registrar in the form registrar requires.

39-30-07. Licensing by political subdivisions. Political subdivisions of this state may not require licensing or registration of all-terrain vehicles.

39-30-08. Rules. Rules for the regulation and use of all-terrain vehicles must be adopted as follows:

1. The department shall adopt rules for the registration of all-terrain vehicles and display of registration numbers.
2. The commissioner may, in the interest of public health, welfare and safety, regulate, by rule, the operation of all-terrain vehicles on state highways. The commissioner's authority to prohibit the use of all-terrain vehicles is limited to the roadways, shoulders, inslopes, and medians within the right of way,

except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in section 39-08-03.1, the commissioner may, on a case-by-case basis, permit organized and bona fide all-terrain vehicle races on the ditch bottoms, backslopes, and the top of the backslopes of the state highway rights of way. The planning, organization, route selection, and safety precautions of any such race are the sole responsibility of the person obtaining the permit. The commissioner, the department, and the department's employees incur no liability for permitting such races.

3. The director of state parks and recreation shall adopt rules to regulate use of all-terrain vehicles in state parks and other state-owned land described in section 55-08-03.
4. The governing bodies of political subdivisions may adopt rules to regulate use of all-terrain vehicles in areas under their jurisdiction. The governing body of a city may, by ordinance, regulate, restrict, and prohibit the use of all-terrain vehicles operated in the city limits in areas under the exclusive jurisdiction of the city.

39-30-09. Operation of all-terrain vehicles.

1. A person may not operate an all-terrain vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, a person may not operate an all-terrain vehicle within the right of way of any controlled access highway.
2. The operator of an all-terrain vehicle may make a direct crossing of a street or highway only if:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
3. A person may not operate an all-terrain vehicle unless it is equipped with at least one headlamp, one taillamp, and

- brakes, all in working order, which conform to standards prescribed by rule of the highway commissioner.
4. The emergency conditions under which an all-terrain vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.
 5. A person may not operate an all-terrain vehicle in the following ways, which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or a controlled substance.
 - d. Without a lighted headlamp and taillamp.
 - e. In any tree nursery or planting in a manner which damages growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the all-terrain vehicle's exhaust system.
 - g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of such signs, at or on all gates through the fence or enclosure.
 6. Except as provided in section 39-30-10, a person may not operate an all-terrain vehicle without having in possession a valid driver's license or permit.
 7. When an all-terrain vehicle is operated within the right of way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the all-terrain vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent

to the side of the right of way traveled by the all-terrain vehicle.

8. A person may not operate an all-terrain vehicle within the right of way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the all-terrain vehicle by a hinged swivel and secure hitch.

39-30-10. Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the state parks and recreation department and has received the appropriate all-terrain vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate.

39-30-11. Enforcement. Only peace officers of this state and their respective duly authorized representatives may enforce this chapter.

39-30-12. Penalties. Violation of subdivision b or c of subsection 5 of section 39-30-09 is a class B misdemeanor. Violation of any other provision of section 39-30-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-30-02 is an infraction, for which a fee of twenty-five dollars must be assessed. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed.

SECTION 2. Shorter registration period for all-terrain vehicles registered in 1985 and 1986. Notwithstanding subsection 3 of section 39-30-03, the first registration period for all-terrain vehicles registered in 1985 and 1986 expires December 31, 1986.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 31, 1985