

# MOTOR VEHICLES

## CHAPTER 315

### HOUSE BILL NO. 1087

(Transportation Committee)  
(At the request of the State Forester)

### STATE FORESTER EMERGENCY VEHICLES

AN ACT to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to inclusion of vehicles of the state forester as authorized emergency vehicles.

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

<sup>166</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Authorized emergency vehicles":
  - a. "Class A" authorized emergency vehicles means:
    - (1) Vehicles of a governmentally owned fire department.
    - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director's authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles.
    - (3) Vehicles clearly identifiable as property of the department of corrections and rehabilitation when operated or under the control of the director of the department of corrections and rehabilitation.
    - (4) Ambulances.
    - (5) Vehicles operated by or under the control of the director, district deputy director, or a district deputy game warden of the game and fish department.

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<sup>166</sup> Section 39-01-01 was also amended by section 1 of House Bill No. 1465, chapter 343.

- (6) Vehicles owned or leased by the United States and used for law enforcement purposes.
  - (7) Vehicles designated for the use of the adjutant general or assistant adjutant general in cases of emergency.
  - (8) Vehicles operated by or under the control of the director of the parks and recreation department.
  - (9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.
  - (10) Vehicles operated by or under the control of the state forester.
- b. "Class B" authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.
- c. "Class C" authorized emergency vehicles means:
- (1) Vehicles authorized by the state division of homeland security or local division of emergency management organizations.
  - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.
  - (3) Vehicles, other than ambulances, used by emergency medical services personnel.

Approved March 12, 2007  
Filed March 13, 2007

**CHAPTER 316****HOUSE BILL NO. 1090**

(Transportation Committee)

(At the request of the Department of Transportation)

**FLEET SERVICES AND HIGHWAY TAX DISTRIBUTION FUNDS**

AN ACT to amend and reenact sections 24-02-03.5, 39-02-05, 39-05-30, 39-18-02.1, 39-22.1-02.1, 39-24-05, and 39-29-05 of the North Dakota Century Code, relating to deposit of fleet services and highway tax distribution funds.

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

**SECTION 1. AMENDMENT.** Section 24-02-03.5 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-03.5. User charges - Incidental revenues.** Each entity using the central vehicle management system shall pay a user charge to the director. The user charge will be set by the director and must be based upon the actual cost of the service provided, including depreciation. The user charges and any proceeds from insurance claims, motor vehicle sales, commercial refunds or rebates, or similarly derived proceeds must be remitted to the state treasurer for deposit in the highway fleet services fund.

**SECTION 2. AMENDMENT.** Section 39-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-02-05. (See note for contingent expiration of amendment) Records of the department open to public inspection.** Except as provided by chapter 39-33, all registration and license records in the office of the department must be public records and must be open to inspection by the public during business hours. The director shall charge a uniform fee, not to exceed three dollars, for each item of information furnished to any person concerning a specific motor vehicle. However, such charges may not be assessed to a person requesting information concerning a motor vehicle of which that person is the owner, nor may such charges apply to law enforcement officials requesting motor vehicle information in their official capacity. All fees received under the provisions of this section must be credited to the motor vehicle registration highway tax distribution fund.

**SECTION 3. AMENDMENT.** Section 39-05-30 of the North Dakota Century Code is amended and reenacted as follows:

**39-05-30. Fees and revenues collected placed in ~~motor registration~~ highway tax distribution fund - Payment of salaries and expenses.** All fees and revenues received by the director under the provisions of this chapter must be deposited by the director in the state treasury. Such moneys must be placed in the motor registration highway tax distribution fund. All salaries and other expenses incurred in connection with the provisions of this chapter must be paid out of the motor registration highway tax distribution fund in the manner provided by law for the disbursement of said fund.

**SECTION 4. AMENDMENT.** Section 39-18-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-18-02.1. Disposition of fees.** Fees from registration of dealers must be deposited with the state treasurer and credited to the ~~motor vehicle registration~~ highway tax distribution fund.

**SECTION 5. AMENDMENT.** Section 39-22.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.1-02.1. Disposition of fees.** Fees from registration of dealers must be deposited with the state treasurer and credited to the ~~motor registration~~ highway tax distribution fund.

**SECTION 6. AMENDMENT.** Section 39-24-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-24-05. Disposition of registration fees and trail tax - Transfer from highway tax distribution fund.** Fees from registration of snowmobiles must be deposited with the state treasurer and credited to the ~~motor vehicle registration~~ highway tax distribution fund. The snowmobile trail tax must be deposited in a state snowmobile fund in the state treasury. Additionally, an amount equal to the tax collected on thirty gallons [113.56 liters] of motor vehicle fuel multiplied by the number of collector snowmobiles and snowmobiles registered under this chapter must be transferred annually from the highway tax distribution fund, before allocation of the fund under section 54-27-19, and credited to the state snowmobile fund. The parks and recreation department may, upon appropriation by the legislative assembly, expend from such fund moneys it deems necessary for purposes of administering snowmobile safety programs and establishing and maintaining snowmobile facilities and programs.

**SECTION 7. AMENDMENT.** Section 39-29-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-29-05. Disposition of registration fees and trail tax.**

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

Approved March 23, 2007  
Filed March 23, 2007

**CHAPTER 317****HOUSE BILL NO. 1063**

(Transportation Committee)  
(At the request of the Highway Patrol)

**HIGHWAY PATROL JURISDICTION ON STATE  
PROPERTY**

AN ACT to amend and reenact subsection 11 of section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

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

**SECTION 1. AMENDMENT.** Subsection 11 of section 39-03-09 of the North Dakota Century Code is amended and reenacted as follows:

11. To exercise general police powers over all violations of law committed on state owned or leased property.

Approved March 23, 2007

Filed March 23, 2007

**CHAPTER 318****HOUSE BILL NO. 1064**

(Transportation Committee)  
(At the request of the Highway Patrol)

**HIGHWAY PATROL ASSETS FORFEITURE FUND**

AN ACT to create and enact a new section to chapter 39-03 of the North Dakota Century Code, relating to creation of the highway patrol assets forfeiture fund; and to provide a continuing appropriation.

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

**SECTION 1.** A new section to chapter 39-03 of the North Dakota Century Code is created and enacted as follows:

**Highway patrol - Assets forfeiture fund - Purpose - Continuing appropriation.** There is created a fund to be known as the highway patrol assets forfeiture fund. The fund consists of funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and funds received from federal shared forfeiture proceedings. The total amount of deposits into the fund may not exceed three hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated as a continuing appropriation to the highway patrol for the following purposes:

1. For paying expenses necessary to inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited, pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of the property.
2. For paying overtime compensation incurred as a result of investigations or violations of any state criminal law or law relating to the control of drug abuse.
3. For purchasing equipment related to criminal interdiction.
4. For paying matching funds required as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation or apprehension of persons violating the provisions of chapter 19-03.1.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

Approved March 5, 2007  
Filed March 6, 2007

**CHAPTER 319****SENATE BILL NO. 2263**

(Senators Robinson, Klein, G. Lee)  
(Representatives Delmore, Nelson, Price)

**VETERANS' NUMBER PLATES**

AN ACT to amend and reenact section 39-04-10.10 of the North Dakota Century Code, relating to veterans' number plates.

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

**SECTION 1. AMENDMENT.** Section 39-04-10.10 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-10.10. North Dakota veterans' cemetery number plates.**

1. The director may issue distinctive number plates to individuals eligible for interment in the North Dakota veterans' cemetery. The director shall issue a number plate under this section upon receiving:
  - a. Payment of all other fees required under this chapter for registration of a motor vehicle;
  - b. Payment of an ~~annual~~ initial fee of ~~five fifteen~~ dollars ~~for deposit of which ten dollars is to be deposited~~ in the highway tax distribution fund and ~~five dollars is to be deposited~~ in the veterans' cemetery maintenance fund; and
  - c. Verification of ~~payment~~ subsequent payments of an annual surcharge of ten dollars paid to the adjutant general.
2. The department shall collect the fees and ~~the ten dollar~~ surcharge under this section. The department shall report to the legislative assembly on the funds collected under this section during each legislative session. The department shall pay the funds collected under ~~subdivision subdivisions b and c~~ of subsection 1 to the adjutant general monthly, who then, within ten days of receipt of the funds, shall deposit five dollars of each ~~surcharge~~ initial fee in the veterans' cemetery maintenance fund and the ~~ten dollar surcharge shall be divided with five dollars being deposited~~ in the veterans' cemetery trust fund and ~~the remaining five dollars of each surcharge being deposited~~ in the veterans' cemetery maintenance fund in the state treasury. ~~The state investment board shall manage the veterans' cemetery trust fund.~~ Investment of the fund is the responsibility of the state treasurer who shall have full authority to invest the fund only in the same manner as the state investment board is authorized to make investments. At the request of the adjutant general, the interest in the veterans' cemetery trust fund must be deposited in the veterans' cemetery maintenance fund for the purpose of funding salaries and maintenance of the veterans' cemetery.

3. The veterans' cemetery trust fund may accept funds from private and federal sources.

Approved March 12, 2007  
Filed March 13, 2007



**CHAPTER 320****SENATE BILL NO. 2360**

(Senators Robinson, Wardner)  
(Representatives Hawken, Owens)

**NONPROFIT ORGANIZATION NUMBER PLATES**

AN ACT to amend and reenact section 39-04-10.13 of the North Dakota Century Code, relating to nonprofit organization number plates.

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

**SECTION 1. AMENDMENT.** Section 39-04-10.13 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-10.13. Public or nonprofit organization number plate.**

1. The director shall develop an organization number plate program for distinctive number plates for qualifying public and for nonprofit organizations recognized by the internal revenue service as tax exempt under 26 U.S.C. 501(c)(3). When appropriate, the department shall design a distinctive number plate to minimize the changes to a single application of overlay on the left side of the number plate. The organization may submit a design for the distinctive number plate for approval by the director. Upon approval by the director and proper application with proof of a minimum of ~~four hundred~~ four hundred fifty applicants and a one-time payment of one thousand five hundred dollars for a certain organization's number plate, the director shall include the number plate in the organization number plate program.
2. The following organizations do not qualify for an organization number plate: out-of-state colleges and universities; groups within high schools, junior colleges, universities, and technical schools, including individual boosters, athletic boosters, and similar groups; unions; political organizations; religious organizations; groups that promote racial or social disharmony; and public offices.
3. Upon proper application for a plate in the organization number plate program and payment of all other fees required under this chapter for registration of the motor vehicle and payment of an additional annual fee of twenty-five dollars, a qualified applicant is entitled to issuance of a certain organization number plate. However, the director may not issue the plates to the owner of a passenger motor vehicle or a truck the gross weight of which equals or exceeds ten thousand pounds [4535.92 kilograms].
4. The director shall deposit ten dollars of the additional organization number plate fee in the highway tax distribution fund and transfer monthly fifteen dollars to the proper organization to support programs of that organization.

Approved March 12, 2007

Filed March 13, 2007

**CHAPTER 321****HOUSE BILL NO. 1398**

(Representatives Schmidt, DeKrey, Metcalf)  
(Senator Taylor)

**DISABLED VETERAN MOTOR VEHICLE  
REGISTRATION EXEMPTION**

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

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

**SECTION 1. AMENDMENT.** Subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code is amended and reenacted as follows:

- j. ~~Passenger motor~~ Motor vehicles, ~~house cars, or pickup trucks~~ not exceeding ~~ten~~ twenty-six thousand pounds [~~4535.92~~ 11793.40 kilograms] gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901] or who has a one hundred percent service-connected disability as determined by the department of veterans' affairs who is entitled to display a distinctive license plate issued by the department upon the payment of a fee of five dollars. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time.

Approved March 23, 2007  
Filed March 23, 2007

## CHAPTER 322

### HOUSE BILL NO. 1227

(Representative Ruby)

(Senator G. Lee)

## IDENTIFICATION CARD INFORMATION VERIFICATION

AN ACT to amend and reenact section 39-06-03.1 of the North Dakota Century Code, relating to verification of the information for an identification card.

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

<sup>167</sup> **SECTION 1. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.**

1. The director shall issue ~~upon request~~ a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. The application must provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.2. If requested on the identification card application, the identification card issued by the director must include a statement making an anatomical gift under chapter 23-06.2. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age.
2. ~~The name and date of birth on all original applications must be verified by a birth certificate or other~~ To confirm the identity of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth and identification of the applicant by the director or examining officer. Applicants must produce documents which will be acceptable as listed below:
  - a. ~~Birth certificate.~~

<sup>167</sup> Section 39-06-03.1 was also amended by section 1 of Senate Bill No. 2112, chapter 323, and section 4 of Senate Bill No. 2163, chapter 237.

- b. ~~Any other documentary evidence which confirms to the satisfaction of the examining officer the true identity and date of birth of the applicant.~~
3. The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.
  4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
  5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.
  6. The director may advertise the availability and the use of the card.
  7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
  8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
  9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
  10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.

Approved April 9, 2007  
Filed April 10, 2007

**CHAPTER 323****SENATE BILL NO. 2112**

(Transportation Committee)

(At the request of the Department of Transportation)

**OPERATOR'S LICENSES AND NONDRIVER ID CARDS**

AN ACT to amend and reenact subsection 1 of section 39-06-03.1 and subsection 1 of section 39-06-19 of the North Dakota Century Code, relating to expiration of operator's licenses and nondriver photo identification cards.

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

<sup>168</sup> **SECTION 1. AMENDMENT.** Subsection 1 of section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The director shall issue upon request a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. The application must provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.2. If requested on the identification card application, the identification card issued by the director must include a statement making an anatomical gift under chapter 23-06.2. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to the provisions of subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed.

**SECTION 2. AMENDMENT.** Subsection 1 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

1. Every operator's license issued under this chapter expires and is renewed according to this section. The expiration date of an operator's license for a person whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of an operator's license for a person whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. A person who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of

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<sup>168</sup> Section 39-06-03.1 was also amended by section 1 of House Bill No. 1227, chapter 322, and section 4 of Senate Bill No. 2163, chapter 237.

an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.

Approved March 7, 2007  
Filed March 8, 2007

**CHAPTER 324****HOUSE BILL NO. 1158**

(Representatives DeKrey, Delmore, Karls)  
(Senator Christmann)

**OPERATOR'S LICENSE ROAD TEST VEHICLE USE**

AN ACT to amend and reenact subsection 3 of section 39-06-17 of the North Dakota Century Code, relating to a restricted permit to operate an automobile.

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

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

3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
  - a. The child is at least fourteen years of age.
  - b. The child is qualified to operate an automobile safely.
  - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
  - d. The child has:
    - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
    - (2) Successfully completed a course at an approved commercial driver training school.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

Approved March 21, 2007  
Filed March 21, 2007

**CHAPTER 325****HOUSE BILL NO. 1069**

(Transportation Committee)

(At the request of the Department of Transportation)

**OPERATOR'S LICENSES**

AN ACT to amend and reenact section 39-06-40, paragraph 9 of subdivision a of subsection 3 of section 39-06.1-10, paragraph 10 of subdivision b of subsection 3 of section 39-06.1-10, section 39-06.1-11, subsection 9 of section 39-20-07, and section 39-20-14 of the North Dakota Century Code, relating to unlawful use of a license, points entered against a driving record, addiction evaluation for a temporary restricted license, witnesses for interpretation of a chemical test, and an advisory given before a screening test; and to repeal section 39-16.1-20 of the North Dakota Century Code, relating to seizure of an operator's license.

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

**SECTION 1. AMENDMENT.** Section 39-06-40 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-40. Unlawful use of license - Penalty.** It is a class B misdemeanor for any person:

1. To display or cause or permit to be displayed or have in possession any canceled, revoked, ~~suspended~~, fictitious, or fraudulently altered operator's license, permit, or nondriver photo identification card;
2. To lend one's operator's license, permit, or nondriver photo identification card to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's license, permit, or nondriver identification card not issued to that person;
4. To fail or refuse to surrender to the director upon demand any operator's license, permit, or nondriver photo identification card which has been suspended, revoked, or canceled;
5. To permit any unlawful use of an operator's license, permit, or nondriver photo identification card issued to that person; or
6. To use a false or fictitious name in any application for an operator's license, permit, or nondriver photo identification card or to knowingly make a false statement or to conceal a material fact or otherwise commit a fraud in the application.

The director upon receiving a record of conviction or other satisfactory evidence of the violation of this section shall immediately revoke the person's operator's license, driving privileges, permit, or nondriver photo identification card. The period of revocation is at the discretion of the director, not to exceed six months.



<sup>169</sup> **SECTION 2. AMENDMENT.** Paragraph 9 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (9) Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective, nonexistent, or unlawful equipment in violation of ~~subsection 4 of~~ section 39-21-46, or equivalent ordinances 2 points

<sup>170</sup> **SECTION 3. AMENDMENT.** Paragraph 10 of subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (10) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of ~~subdivision b of~~ ~~subsection 2 of~~ section 39-21-46, or equivalent ordinance 2 points

**SECTION 4. AMENDMENT.** Section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-11. Temporary restricted license - Ignition interlock device.**

1. Except as provided under subsection 2, if the director has suspended a license under section 39-06.1-10 or has extended a suspension or revocation under section 39-06-43, upon receiving written application from the offender affected, the director may for good cause issue a temporary restricted operator's license valid for the remainder of the suspension period after seven days of the suspension period have passed.
2. If the director has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or equivalent ordinance, upon written application of the offender the director may issue for good cause a temporary restricted license that 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 director may not issue a temporary restricted license to any offender whose operator's license has been

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<sup>169</sup> Section 39-06.1-10 was also amended by section 3 of House Bill No. 1069, chapter 325.

<sup>170</sup> Section 39-06.1-10 was also amended by section 2 of House Bill No. 1069, chapter 325.

revoked under section 39-20-04 or suspended upon a second or subsequent offense under section 39-08-01 or chapter 39-20, except that a temporary restricted license may be issued for good cause if the offender has not committed an offense for a period of two years before the date of the filing of a written application that must be accompanied by a report from an ~~addiction facility~~ appropriate licensed addiction treatment program or if the offender is participating in the drug court program and has not committed an offense for a period of three hundred sixty-five days before the date of the filing of a written application that must be accompanied by a recommendation from the district court. The director may conduct a hearing for the purposes of obtaining information, reports, and evaluations from courts, law enforcement, and citizens to determine the offender's conduct and driving behavior during the prerequisite period of time. The director may also require that an ignition interlock device be installed in the offender's vehicle.

3. The director may not issue a temporary restricted license for a period of license revocation or suspension imposed under subsection 5 of section 39-06-17; ~~or section 39-06-31; or subsection 3.4 of section 39-06.1-10.~~ A temporary restricted license may be issued for suspensions ordered under subsection 7 of section 39-06-32 if it could have been issued had the suspension resulted from in-state conduct.
4. A restricted license issued under this section is solely for the use of a motor vehicle during the licensee's normal working hours and may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section is deemed a violation of section 39-06-17.

<sup>171</sup> **SECTION 5. AMENDMENT.** Subsection 9 of section 39-20-07 of the North Dakota Century Code is amended and reenacted as follows:

9. Notwithstanding any statute or rule to the contrary, a defendant who has been found to be indigent by the court in the criminal proceeding at issue 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. If the state toxicologist, the director of the state crime laboratory, or any employee of either, is subpoenaed to testify by a defendant who is not indigent and the defendant does not call the witness to establish relevant evidence, the court shall order the defendant to pay costs to the witness as provided in section 31-01-16. An indigent defendant may also subpoena the individual who withdrew the defendant's blood by following the same procedure.

**SECTION 6. AMENDMENT.** Section 39-20-14 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>171</sup> Section 39-20-07 was also amended by section 3 of House Bill No. 1396, chapter 339.

**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 must be performed by an enforcement officer certified as a chemical test operator by the director of the state crime laboratory or the director's designee and according to methods and with devices approved by the director of the state crime laboratory or the director's designee. The results of such screening test must 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 up to ~~three~~ four years of that person's driving privileges. If such person refuses to submit to such screening test or tests, none may be given, but such refusal is 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 must be available. However, the director must not revoke a person's driving privileges for refusing to submit to a screening test requested under this section if the person provides a sufficient breath, blood, or urine sample for a chemical test requested under section 39-20-01 for the same incident. No provisions of this section may supersede any provisions of chapter 39-20, nor may 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 director of the state crime laboratory or the director's designee as qualified to perform analysis for alcohol in a person's blood, breath, saliva, or urine.

**SECTION 7. REPEAL.** Section 39-16.1-20 of the North Dakota Century Code is repealed.

Approved March 9, 2007

Filed March 12, 2007

**CHAPTER 326****HOUSE BILL NO. 1068**

(Transportation Committee)

(At the request of the Department of Transportation)

**COMMERCIAL DRIVER'S LICENSES**

AN ACT to amend and reenact section 39-06.2-06, subsections 8, 10, and 12 of section 39-06.2-10, and section 39-06.2-16 of the North Dakota Century Code, relating to commercial driver's licenses.

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

<sup>172</sup> **SECTION 1. AMENDMENT.** Section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.2-06. Commercial driver's license required.**

1. Except when driving under a commercial driver's instruction permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle on the highways of this state unless the person holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the person is driving. This subsection does not apply:
  - a. When the vehicle being driven is a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
  - b. When the vehicle being driven constitutes emergency or firefighting equipment necessary to the preservation of life or property.
  - c. When the vehicle is being driven for military purposes, subject to any limitations imposed by 49 CFR part 383.3(c).
2. No person may drive a commercial motor vehicle on the highways of this state while the person's driving privilege is suspended, revoked, or canceled, while subject to a disqualification.
3. The provisions of this chapter are waived, as to farm-to-market operations by farmers, but limited to those operators of a farm vehicle that is:
  - a. Controlled and operated by a farmer.

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<sup>172</sup> Section 39-06.2-06 was also amended by section 1 of House Bill No. 1400, chapter 327.

- b. Used to transport either agricultural products, farm machines, farm supplies, or both, to or from a farm.
  - c. Not used in the operations of a common or contract carrier.
  - d. Used within one hundred fifty miles [241.40 kilometers] of the person's farm.
4. The provisions of this chapter are waived as to an individual employed by and operating a vehicle at the request of and within a political subdivision, with a population of less than three thousand, during an emergency declared by that political subdivision for the removal of snow and ice. This waiver only applies when the regularly employed driver is unavailable or the employing political subdivision determines that additional assistance is required.
  5. Pursuant to the limitations imposed by 49 CFR, part 383.3, the required knowledge and skills tests may be waived and a restricted commercial driver's license issued to employees of agrichemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders.

**SECTION 2. AMENDMENT.** Subsections 8, 10, and 12 of section 39-06.2-10 of the North Dakota Century Code are amended and reenacted as follows:

8. For a second or subsequent conviction of driving while under the influence or being under the influence of a controlled substance or refusal to be tested while operating a noncommercial motor vehicle, a commercial driver's licenseholder must be disqualified from operating a commercial motor vehicle for life.
10. For a second or subsequent conviction for leaving the scene of an accident while operating a noncommercial motor vehicle, a commercial driver's licenseholder must be disqualified from operating a commercial motor vehicle for life.
12. For a second or subsequent conviction for using a vehicle to commit a felony while operating a noncommercial motor vehicle, a commercial driver's licenseholder must be disqualified from operating a commercial motor vehicle for life.

**SECTION 3. AMENDMENT.** Section 39-06.2-16 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.2-16. Reciprocity.**

1. Notwithstanding any other provision of law, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver's license or commercial driver's license instruction permit issued by any state, or province or territory of Canada, in accordance with the minimum federal standards for the issuance of a commercial motor vehicle driver's license, if the person's license or permit is not suspended, revoked, or canceled, and if the person is not disqualified from driving a commercial motor vehicle.

2. The director must give all out-of-state convictions full faith and credit if the driver is licensed by this state at the time of the conviction or becomes licensed by this state at a later time and treat them for sanctioning purposes under this chapter as if they occurred in this state. For purposes of this section, originals, photostatic copies, or electronic transmissions of the records of the driver's licensing or other authority of the other jurisdiction are sufficient evidence whether or not they are certified copies.

Approved March 2, 2007  
Filed March 2, 2007

**CHAPTER 327****HOUSE BILL NO. 1400**

(Representative Belter)

**COMMERCIAL DRIVER'S LICENSE EXEMPTIONS**

AN ACT to amend and reenact section 39-06.2-06 of the North Dakota Century Code, relating to commercial driver's license exemptions.

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

<sup>173</sup> **SECTION 1. AMENDMENT.** Section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.2-06. Commercial driver's license required.**

1. Except when driving under a commercial driver's instruction permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle on the highways of this state unless the person holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the person is driving. This subsection does not apply:
  - a. When the vehicle being driven is a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
  - b. When the vehicle being driven constitutes emergency or firefighting equipment necessary to the preservation of life or property.
2. No person may drive a commercial motor vehicle on the highways of this state while the person's driving privilege is suspended, revoked, or canceled, while subject to a disqualification.
3. The provisions of this chapter are waived, as to farm-to-market operations by farmers, but limited to those operators of a farm vehicle that is:
  - a. Controlled and operated by a farmer.
  - b. Used to transport either agricultural products, including trees, farm machines, farm supplies, or both, to or from a farm.
  - c. Not used in the operations of a common or contract carrier.

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<sup>173</sup> Section 39-06.2-06 was also amended by section 1 of House Bill No. 1068, chapter 326.

- d. Used within one hundred fifty miles [241.40 kilometers] of the person's farm.
4. The provisions of this chapter are waived as to an individual operating a vehicle at the request of and within a political subdivision during an emergency declared by that political subdivision for the removal of snow and ice.
5. Pursuant to 49 CFR, part 383.3, the required knowledge and skills tests may be waived and a restricted commercial driver's license issued to employees of agrichemical businesses, custom harvesters, farm retail outlets and suppliers, including retailers and suppliers of trees, and livestock feeders.

Approved March 29, 2007  
Filed March 28, 2007



**CHAPTER 328****SENATE BILL NO. 2146**

(Senators Heitkamp, G. Lee, Robinson)  
(Representatives Amerman, Gulleason, R. Kelsch)

**PROOF OF INSURANCE**

AN ACT to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to proof of insurance.

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

<sup>174</sup> **SECTION 1. AMENDMENT.** Subsection 1 of section 39-08-20 of the North Dakota Century Code is amended and reenacted as follows:

1. A person may not drive, or the owner may not cause or knowingly permit to be driven, 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 that motor vehicle in the amount required by chapter 39-16.1. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law ~~or during the investigation of an accident~~, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section if that person fails to submit satisfactory evidence of the policy to the officer or the officer's agency within twenty days ~~of from~~ the date of the request; however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three business days from the date of the request. If that person produces satisfactory evidence of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the officer, the officer's agency, or a court, that person may not be convicted or assessed any administration fee for violation of this section. Notwithstanding section 26.1-30-18, a person may be convicted for failure to have a valid policy of liability insurance in effect under this section if the time of acquisition of the policy was after the time of the alleged incidence of driving without liability insurance. If the time of acquisition of the policy comes into question, the driver or owner has the burden of establishing the time of acquisition. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle. Violation of this section is a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars which may not be

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<sup>174</sup> Section 39-08-20 was also amended by section 2 of House Bill No. 1037, chapter 271.

suspended. A person convicted for a second or subsequent violation of driving without liability insurance within an eighteen-month period must be fined at least three hundred dollars which may not be suspended.

Approved April 26, 2007  
Filed April 27, 2007

**CHAPTER 329****HOUSE BILL NO. 1114**

(Representative Gruchalla)

**MINIMUM SPEED LIMITS**

AN ACT to amend and reenact section 39-09-09 of the North Dakota Century Code, relating to minimum speed limits.

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

**SECTION 1. AMENDMENT.** Section 39-09-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-09-09. Minimum speed limits.**

1. ~~No person~~ An individual may not drive a motor vehicle at ~~such a slow reduced~~ speed so as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
2. ~~Whenever~~ If the director and the superintendent of the highway patrol, acting jointly, or a local ~~authorities~~ authority within ~~their respective jurisdictions~~ the authority's jurisdiction, ~~determine~~ determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the safe, normal, and reasonable movement of traffic, the director and superintendent or ~~such~~ the local authority may determine and declare a minimum speed limit below which ~~no person~~ an individual may not drive a vehicle except when necessary for safe operation or in compliance with law, and that limit ~~shall be~~ is effective when posted upon appropriate fixed or variable signs.

Approved March 5, 2007

Filed March 6, 2007

## CHAPTER 330

### HOUSE BILL NO. 1310

(Representatives Gruchalla, Porter, Ruby, Solberg, Weisz)  
(Senator Lyson)

## EMERGENCY VEHICLE LIGHTS

AN ACT to amend and reenact section 39-10-03 of the North Dakota Century Code, relating to class A authorized emergency vehicle lights.

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

**SECTION 1. AMENDMENT.** Section 39-10-03 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-10-03. Class A authorized emergency vehicles.**

1. The driver of a class A authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this chapter.
  - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - c. Exceed the speed limit so long as the driver does not endanger life or property.
  - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle apply only:
  - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
  - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white lights that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
  - c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal

atmospheric conditions for at least five hundred feet [152.4 meters].  
A law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

3. ~~No~~ An emergency vehicle may not display or permit to be displayed any red lamp except when operated on official business.
4. ~~Repeated by S.L. 1979, ch. 424, § 2.~~
5. Any law enforcement officer as provided in paragraph 2 of subdivision a of subsection 2 of section 39-01-01 having stopped another vehicle along a highway, and while still involved in that incident, or any other ~~such~~ related activity, may use amber lights, visible under normal atmospheric conditions for at least five hundred feet [152.4 meters], for the purpose of maintaining traffic flow.

Approved March 12, 2007  
Filed March 13, 2007

**CHAPTER 331****SENATE BILL NO. 2175**

(Senators Lyson, G. Lee, Stenehjem)  
(Representative Ruby)

**INTERSECTION RIGHT OF WAY**

AN ACT to amend and reenact section 39-10-22 of the North Dakota Century Code, relating to right of way of vehicles at an intersection.

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

**SECTION 1. AMENDMENT.** Section 39-10-22 of the North Dakota Century Code is amended and reenacted as follows:

**39-10-22. Vehicle approaching or entering intersection.**

1. ~~When two vehicles approach~~ If a vehicle approaches or ~~enter~~ enters an intersection ~~that does not controlled by have~~ an official traffic-control device ~~and another vehicle approaches or enters from a different highways highway~~ at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. If the intersection is T-shaped and ~~does not controlled by have~~ an official traffic-control device, the driver of the vehicle on the terminating street or highway shall yield to the vehicle on the continuing street or highway.
2. If a vehicle approaches an intersection that has traffic-control signals that usually exhibit different colored lights and the signals are not lit, the driver of the vehicle shall stop and yield as required under subsection 2 of section 39-10-24.
3. The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter.

Approved March 2, 2007  
Filed March 2, 2007

**CHAPTER 332****HOUSE BILL NO. 1236**

(Representatives S. Meyer, Delmore, Hawken, N. Johnson)  
(Senators Bakke, Krebsbach)

**LITTERING**

AN ACT to amend and reenact section 39-10-59 of the North Dakota Century Code, relating to littering.

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

**SECTION 1. AMENDMENT.** Section 39-10-59 of the North Dakota Century Code is amended and reenacted as follows:

**39-10-59. Garbage, glass, rubbish, and injurious materials on highway prohibited.**

1. ~~No person~~ An individual may ~~throw or not~~ deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, rubbish, or any other litter. In addition, an individual may not deposit upon any highway any other substance likely to injure any person, animal, or vehicle.
2. ~~Any person~~ An individual who ~~drops~~ deposits, or permits to be ~~dropped~~ deposited, upon any highway any destructive or injurious material shall immediately remove or cause to be removed the same ~~or cause it to be removed~~.
3. ~~Any person~~ An individual removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from ~~such~~ the vehicle.

Approved March 5, 2007  
Filed March 6, 2007

**CHAPTER 333****HOUSE BILL NO. 1234**

(Representatives Porter, Boe, R. Kelsch, Klein)  
(Senators Krauter, Krebsbach)

**EMERGENCY VEHICLE FLASHING GREEN LIGHTS**

AN ACT to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to the use of flashing green lights.

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

**SECTION 1.** A new section to chapter 39-10 of the North Dakota Century Code is created and enacted as follows:

**Flashing green lights.** An authorized emergency vehicle may not display a flashing green light unless the vehicle is used as a command center in an emergency.

Approved March 12, 2007  
Filed March 13, 2007



**CHAPTER 334****HOUSE BILL NO. 1295**

(Representatives Weisz, Damschen, Delzer)  
(Senators Erbele, Wanzek)

**EXCESSIVE SIZE AND WEIGHT VEHICLE PERMITS**

AN ACT to amend and reenact section 39-12-02 of the North Dakota Century Code, relating to permits for vehicles of excessive size and weight; and to declare an emergency.

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

<sup>175</sup> **SECTION 1. AMENDMENT.** Section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees.**

1. The 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 permit may designate the route to be traversed and may contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of this chapter for any person to violate any of the terms or conditions of the permit. ~~All permits for the movement of excessive size and weight on state highways must be for single trips only.~~ The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
2. Upon any application for a permit to move a new manufactured building or modular unit from outside this state to be located anywhere within this state, the manufacturer is deemed to have certified that the new manufactured building or modular unit meets all applicable building codes and all applicable electrical wiring and equipment, plumbing, and fire standards. The state is not liable to any person for issuing a permit in violation of this subsection.
3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of

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<sup>175</sup> Section 39-12-02 was also amended by section 1 of Senate Bill No. 2406, chapter 335.

highways and operating expenses of the department of transportation. Except for publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:

- a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
  - b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
  - c. The fee for special mobile equipment is twenty-five dollars per trip.
  - d. The fee for engineering is twenty-five dollars per trip.
  - e. The fee for faxing a permit is five dollars.
  - f. The fee for a single trip permit is twenty dollars per trip.
  - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
  - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
4. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an overdimensional mobile home.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 9, 2007  
Filed April 10, 2007

**CHAPTER 335****SENATE BILL NO. 2406**

(Senators J. Lee, Fischer, Lyson, Stenehjem)  
(Representative Weisz)

**OVERWIDTH TRAVEL PERMIT FEES**

AN ACT to create and enact a new subdivision to subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to overwidth travel permits.

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

<sup>176</sup> **SECTION 1.** A new subdivision to subsection 3 of section 39-12-02 of the North Dakota Century Code is created and enacted as follows:

The fee for an overwidth vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or five hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year.

Approved April 11, 2007

Filed April 13, 2007

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<sup>176</sup> Section 39-12-02 was also amended by section 1 of House Bill No. 1295, chapter 334.

## CHAPTER 336

### HOUSE BILL NO. 1258

(Representatives Gulleson, Amerman, Brandenburg, DeKrey)  
(Senator Heitkamp)

## TOURIST-ORIENTED DIRECTIONAL SIGNS

AN ACT to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 39-13-09 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-13-09. Tourist-oriented directional signs.**

1. In this section:
  - a. "Tourist-oriented directional sign" means a sign providing identification of and directional information for tourist-related businesses, services, or activities.
  - b. "Tourist-related business, service, or activity" means rural agricultural business and tourism attractions, including recreation, historical sites, festival and cultural events, lodging and food services which are singularly and uniquely related to historical, cultural, or recreational tourist attractions, and guide services, but does not include any business operated under a franchise agreement. The term includes a business that derives a major portion of income or visitors from individuals who do not reside in the immediate area of the business. The immediate area of the business is within the city limits in which the business is located, or within one mile [1.61 kilometers] from the business if located outside city limits.
2. Notwithstanding section 24-01-12, the department shall establish by rule standards for the erection and maintenance of tourist-oriented directional signs. The rules must conform to federal standards for tourist-oriented directional signs adopted under 23 U.S.C. 131(q) as of July 1, 1991, and with the manual adopted by the department under section 39-13-06 except that the rules must provide that logos may not be used on tourist-oriented directional signs.
3. Upon the request of any person, a local authority that has adopted an ordinance permitting the erection of tourist-oriented directional signs may authorize their erection within the right of way of any highway under the jurisdiction of the local authority except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.

4. The permit applicant shall engage a qualified contractor for the erection, installation, and maintenance of tourist-oriented directional signs within the right of way of any highway under the jurisdiction of the department except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 9, 2007  
Filed April 10, 2007

**CHAPTER 337****SENATE BILL NO. 2113**

(Transportation Committee)

(At the request of the Department of Transportation)

**MOTOR VEHICLE REGISTRATION AND CARRIER  
REGISTRATION**

AN ACT to amend and reenact subsection 9 of section 39-04-05, section 39-19-06, and subsection 3 of section 57-40.3-04 of the North Dakota Century Code, relating to refusing motor vehicle registration, adopting the unified carrier registration plan, and claiming a motor vehicle excise tax exemption; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Subsection 9 of section 39-04-05 of the North Dakota Century Code is amended and reenacted as follows:

9. When the vehicle is operating in violation of the provisions of the international registration plan ~~or~~, international fuel tax agreement, or the unified carrier registration plan.

**SECTION 2. AMENDMENT.** Section 39-19-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-19-06. ~~Single state insurance~~ Unified carrier registration system.**

The director may adopt all rules necessary to enable this state to participate in the ~~single state insurance~~ unified carrier registration system for motor carriers authorized by ~~section 4005 of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. No. 102-240, 105 Stat. 4914, 49 U.S.C. 41506]~~ subtitle C of the Safe, Accountable, Flexible, Efficient Transportation Act of 2005 [Pub. L. 109-59; 119 Stat. 1761; 49 U.S.C. 14504a] and by applicable rules and regulations of ~~the interstate commerce commission.~~ In determining whether to adopt rules as permitted by this section, the director shall consider the costs and benefits to the state of participating in the ~~single state insurance~~ unified carrier registration program. Any moneys derived from participation in the ~~single state insurance~~ unified carrier registration program must be deposited in the highway fund.

<sup>177</sup> **SECTION 3. AMENDMENT.** Subsection 3 of section 57-40.3-04 of the North Dakota Century Code is amended and reenacted as follows:

3. Motor carrier vehicles in excess of twenty thousand pounds [9071.85 kilograms] gross weight, whether owned or leased, engaged in interstate commerce but only to the extent their fleet miles outside North Dakota bear to their total fleet miles. For the purposes of this

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<sup>177</sup> Section 57-40.3-04 was also amended by section 1 of House Bill No. 1160, chapter 534, section 4 of House Bill No. 1393, chapter 513, and section 7 of Senate Bill No. 2101, chapter 450.

subsection, "fleet miles" means those miles reported in accordance with the international registration plan and must coincide with the mileage reporting period required by the plan. For the purposes of this subsection, "motor carrier vehicles" means any vehicles used upon public streets or highways for the purpose of transporting persons or property for commercial purposes. To claim this exemption, the motor carrier's vehicles must be both titled and registered in this state.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 12, 2007  
Filed April 13, 2007

**CHAPTER 338****HOUSE BILL NO. 1468**

(Representatives Gruchalla, Nottestad, Ruby)  
(Senators Freborg, Lyson, Warner)

**TEMPORARY OPERATOR PERMITS AFTER ALCOHOL TESTING**

AN ACT to amend and reenact section 39-20-03.1 of the North Dakota Century Code, relating to temporary operator permits after testing for alcohol.

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

**SECTION 1. AMENDMENT.** Section 39-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-20-03.1. Action following test result for a resident operator.** 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 an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two 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 if it is then available 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-five 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 director's official notification to the person of the director'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 director of the state crime laboratory or the director's designee and if the analysis shows that person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, either proceed in accordance with subsection 1 during that person's reappearance within the officer's jurisdiction or notify a law enforcement agency having jurisdiction where the person lives. On that notification, that law enforcement agency shall immediately take possession of the person's North Dakota operator's license or permit if it is then available and, within twenty-four hours, forward the license and a copy of the temporary operator's permit to the law enforcement agency making the arrest or to the director. The 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. Alternatively, if the test results indicate an alcohol concentration at or above the legal limit, the law enforcement agency making the arrest may mail a temporary operator's permit to the person who submitted to the blood, urine, or saliva test. The third day after the mailing of the temporary operator's permit is considered the date of issuance. Within three days after the person receives the temporary operator's permit, the person shall mail the person's North Dakota operator's license to the law enforcement agency that made the arrest. Actual notice of the opportunity for a hearing under this section is deemed to have occurred seventy-two hours after the notice is mailed by regular mail to the address submitted by the person to the law enforcement officer. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.

3. The law enforcement officer, within five days of the issuance of the temporary operator's permit, shall forward to the director a certified written report in the form required by the director 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 results of a test, the 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 for alcohol concentration under this chapter, and that the results of the test show that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. In addition to the operator's license and report, the law enforcement officer shall forward to the director 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.

Approved March 6, 2007  
Filed March 7, 2007

**CHAPTER 339****HOUSE BILL NO. 1396**

(Representative Ruby)  
(Senator G. Lee)

**ALCOHOL CONCENTRATION DETERMINATION**

AN ACT to amend and reenact subsection 2 of section 20.1-13.1-10, subsection 4 of section 20.1-15-11, subsection 4 of section 39-20-07, and subsection 2 of section 39-24.1-08 of the North Dakota Century Code, relating to determination of alcohol concentration by breath testing.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 20.1-13.1-10 of the North Dakota Century Code is amended and reenacted as follows:

2. 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 air~~ end expiratory breath or grams of alcohol per sixty-seven cubic centimeters of urine.

**SECTION 2. AMENDMENT.** Subsection 4 of section 20.1-15-11 of the North Dakota Century Code is amended and reenacted as follows:

4. 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 air~~ end expiratory breath or grams of alcohol per sixty-seven cubic centimeters of urine.

<sup>178</sup> **SECTION 3. AMENDMENT.** Subsection 4 of section 39-20-07 of the North Dakota Century Code is amended and reenacted as follows:

4. Alcohol concentration is based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of ~~alveolar air~~ end expiratory breath or grams of alcohol per sixty-seven milliliters of urine.

**SECTION 4. AMENDMENT.** Subsection 2 of section 39-24.1-08 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>178</sup> Section 39-20-07 was also amended by section 5 of House Bill No. 1069, chapter 325.

2. 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 air~~ end expiratory breath or grams of alcohol per sixty-seven cubic centimeters of urine.

Approved March 23, 2007  
Filed March 23, 2007

**CHAPTER 340****HOUSE BILL NO. 1359**

(Representatives Belter, Aarsvold, D. Johnson)  
(Senators Klein, G. Lee)

**TRUCK REAR-END PROTECTION EXEMPTION**

AN ACT to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to rear-end protection of trucks and trailers; to provide for a legislative council study; and to provide for a contingent effective date.

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

**SECTION 1.** A new section to chapter 39-21 of the North Dakota Century Code is created and enacted as follows:

**Exemption from rear-end protection requirements.** The superintendent of the highway patrol may not adopt or enforce any law or rule requiring rear-end protection on a rear-end dump truck or other rear unloading truck or trailer while being used for hauling agricultural and other farm products from a place of production or on a farm storage site to a place of processing or storage.

**SECTION 2. LEGISLATIVE COUNCIL - EXEMPTION FROM FEDERAL MOTOR CARRIER SAFETY REGULATIONS STUDY.** The legislative council shall consider studying, during the 2007-08 interim, federal motor carrier safety regulations and exemptions for interstate and intrastate transportation in relation to this state's laws and exemptions. This study shall include a review of any industry-specific applications of regulations and possible exemptions to current transportation activities within this state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 3. CONTINGENT EFFECTIVE DATE.** Section 1 of this Act becomes effective on the earlier of October 1, 2008, or on approval of this state's application for exemption from rear-end protection requirements for vehicles in section 1 of this Act by the federal motor carrier safety administration, unless the superintendent of the highway patrol does not complete and submit an application for exemption for vehicles in section 1 of this Act by July 1, 2007, then section 1 of this Act becomes effective on August 1, 2007.

Approved April 24, 2007  
Filed April 25, 2007

**CHAPTER 341****SENATE BILL NO. 2148**

(Senators Nething, Heitkamp)  
(Representatives Ruby, Vigesaa)

**MOTOR VEHICLE DEALER LICENSEE PENALTIES**

AN ACT to amend and reenact sections 39-22-04, 39-22-06, 39-22-14, 39-22-15, 39-22-16, 39-22-17, 39-22-20, 39-22-21, 39-22-22, and 39-22-23 of the North Dakota Century Code, relating to penalties for motor vehicle dealer licensees.

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

**SECTION 1. AMENDMENT.** Section 39-22-04 of the North Dakota Century Code is amended and reenacted as follows:

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

1. ~~For making~~ any material misstatement by an applicant in the application for the license.
2. ~~For any willful failure;~~ willfully failing to comply with the provisions of this chapter or with any rule ~~or regulation promulgated~~ adopted by the director.
3. ~~For;~~ knowingly permitting any person to sell or exchange, or offer or attempt to sell or exchange any motor vehicle except for the licensed motor vehicle dealer by whom the person is employed.
4. ~~For having violated any;~~ willfully violating a 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.~~
6. ~~For;~~ or having violated any state or federal law relating to alteration of odometers or vehicle identification number.

**SECTION 2. AMENDMENT.** Section 39-22-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-06. Motor vehicle lots - Location.** A licensed dealer ~~as described in this chapter~~ may establish secondary motor vehicle lots ~~as may be necessary~~ in the conduct of the dealer's business ~~in an area not further removed than~~ within five miles [8.05 kilometers] ~~from~~ of the dealer's established place of business. Secondary lots must be identified as a part of the licensed dealer's operation with a sign displaying the name and telephone number of the licensed dealer. The sign must be at least thirty-two square feet [2.97 square meters] in size, contain the name of the dealership in letters at least ten inches [25.4 centimeters] high, and be clearly visible

from the street. ~~Motor vehicle dealers~~ A licensed dealer may not display vehicles except on ~~their~~ the dealer's primary and secondary lots or as otherwise permitted in this chapter. ~~Any~~ The department may assess a person violating this section ~~must be assessed~~ a one hundred dollar fee by the department for a first violation and, a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall ~~suspend the license of a motor vehicle dealer licensed under this chapter if~~ assess a fee of at least five hundred dollars but not more than two thousand dollars for a third or subsequent violation of this section ~~occurs~~ within five years of the first violation.

**SECTION 3. AMENDMENT.** Section 39-22-14 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-14. Motor vehicle dealer license - Fees - Penalty.** ~~It is unlawful for any~~ A person ~~to~~ may not engage in the business of buying, selling, or exchanging of motor vehicles without possessing a current motor vehicle dealer license. A person may not advertise or otherwise hold out to the public as engaging in the buying, selling, or exchanging of motor vehicles for resale without possession of a current new motor vehicle dealer license or used motor vehicle dealer license. The motor vehicle dealer license fee is one hundred dollars per year and ~~with~~ for which ~~must be issued~~ the department shall issue one dealer plate. A ~~The~~ applicant for an initial new or used motor vehicle dealer license shall submit a nonrefundable fee of one hundred dollars ~~must be charged~~ for the initial inspection of an ~~with~~ the application for a dealer license and ~~must accompany the initial application for a new or used motor vehicle dealer license.~~ The applicant shall provide the business's federal employer identification number or, in the case of an application from an individual, social security number. ~~Any~~ The department may assess a person violating a provision of this section ~~must be assessed~~ a one hundred dollar fee by the department for a first violation and, a two hundred dollar fee by the department for a second violation within two years of the first violation. ~~The department must suspend the license of a motor vehicle dealer licensed under this chapter if,~~ or a fee of at least five hundred dollars but not more than two thousand dollars for a third or subsequent violation of this section ~~occurs~~ within five years of the first violation. Any person not licensed as a dealer under this section who has been previously found to be in violation of this section, and assessed the fees specified, is guilty of a class B misdemeanor if a third or subsequent violation occurs.

**SECTION 4. AMENDMENT.** Section 39-22-15 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-15. Established place of business - Penalty.**

1. A dealer license may not be issued until the applicant furnishes proof satisfactory to the director that the applicant has, does, and will continue to maintain in North Dakota an established place of business adjacent to the primary motor vehicle display lot maintained by the dealer. An established place of business means a permanent enclosed building of at least two hundred fifty square feet [23.22 square meters] either owned, rented, or leased at which a permanent business of bartering, trading, and selling of motor vehicles will be conducted and does not mean a residence, tents, temporary stands, or other temporary quarters. The established place of business and primary motor vehicle display lot must cover at least two thousand five hundred square feet [232.26 square meters] and be located on property zoned or otherwise approved for this purpose by the appropriate zoning authority. The established place of business must be adequately heated and lighted so

as to be comfortable for customers and employees and be equipped with standard office equipment necessary for the conduct of the business. All records related to the business, including titles or other documents showing ownership of the vehicles, must be kept and maintained at the established place of business.

2. An established place of business must have a telephone publicly listed in the name of the dealership, be open to the public during normal business hours, and have a sign identifying the business to the public as a motor vehicle dealership. The sign must be at least thirty-two square feet [2.97 square meters] in size, contain the name of the dealership in letters at least ten inches [25.4 centimeters] high, and be clearly visible from the street. A business sign approved by a motor vehicle manufacturer may be used in lieu of the sign requirements of this section.
3. If the licensee desires to move from the established place of business occupied when the license was granted to a new location, the licensee shall first secure from the director permission to do so. The licensee must furnish proof satisfactory to the director that the premises to which the licensee proposes to move conform with the requirements of this section. ~~Any~~
4. ~~The department may assess a person violating this section must be assessed a one hundred dollar fee by the department for a first violation and or a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall may~~ suspend the license of a motor vehicle dealer licensed under this chapter if a third or subsequent violation of this section occurs within five years of the first violation.

**SECTION 5. AMENDMENT.** Section 39-22-16 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-16. Application for new motor vehicle dealer license - Franchise required - Selling vehicles without a franchise - Penalty.**

1. ~~In the case of~~ an application for a new motor vehicle dealer license, the applicant shall furnish proof satisfactory to the director that the applicant has a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle or motor vehicles in which the dealer proposes to deal. A new motor vehicle dealer license entitles the holder to deal in both used motor vehicles and in those new motor vehicles only for which the dealer has a bona fide contract or franchise in effect with a manufacturer or distributor. A used motor vehicle dealer license entitles the holder to deal in used motor vehicles only.
2. New motor vehicle dealers who have been issued surrounding communities as a part of their dealer area of responsibility may be issued additional new motor vehicle dealer licenses if the manufacturer provides the department written approval of additional sites for display and sale of motor vehicles. Applicants for additional new car dealer licenses must meet all of the requirements of this chapter.
3. ~~Whenever~~ If a motor vehicle dealer purchases or holds for sale a new motor vehicle for which the dealer does not have a bona fide contract or

franchise in effect with a manufacturer or distributor, the new motor vehicle becomes, at the time of purchase or possession, subject to the registration provisions of chapter 39-04, the title registration provisions of chapter 39-05, and the motor vehicle excise tax provisions of chapter 57-40.3. ~~Any~~

4. ~~The department may assess a person violating this section must be assessed~~ a two hundred fifty dollar fee ~~by the department~~ for a first violation ~~and or~~ a five hundred dollar fee ~~by the department~~ for a second violation within two years of the first violation. The department ~~must may~~ suspend the license of a motor vehicle dealer licensed under this chapter if a third or subsequent violation of this section occurs within five years of the first violation.

<sup>179</sup> **SECTION 6. AMENDMENT.** Section 39-22-17 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-17. Additional dealer plates - In-transit plates - Demonstration plates - Fees - Use of dealer plates - Penalty.**

1. Additional dealer number plates must be issued to the dealer upon payment of a fee of twenty-five dollars each. These number plates may be used on any vehicle owned by the dealership and used in the direct functions of demonstrating, buying, or selling vehicles. Dealer plates may not be used on a service vehicles vehicle or vehicles a vehicle used in other functions of the business, sold units in the possession of the purchaser, by family members not residing at the dealer's residence, or by ~~other persons~~ a person not directly involved in the operation of the dealership.
2. The director may issue to any dealer an in-transit license plate for a fee of five dollars per plate and a demonstration plate for a fee of five dollars per plate. A dealer in-transit plate may be used on vehicles in lieu of dealer's plates while a motor vehicle is in transit from its place of manufacture, or any other place, to the dealer or in transit from the dealer, by a direct route, to another destination.
3. A dealer demonstration plate may be used only on a vehicle which is owned by the dealership and being demonstrated to a customer. A dealer demonstration plate is valid for use only within a radius of one hundred miles [160.93 kilometers] of the dealer's established place of business. ~~Any~~
4. A dealer plate, in-transit plate, or demonstration plate displayed on a vehicle must be displayed on the rear of the vehicle. ~~Any~~
5. ~~The department may assess a person violating this section must be assessed~~ a one hundred dollar fee ~~by the department~~ for a first violation ~~and~~ a two hundred dollar fee ~~by the department~~ for a second violation within two years of the first violation: ~~The department shall suspend the~~

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<sup>179</sup> Section 39-22-17 was also amended by section 1 of Senate Bill No. 2111, chapter 342.



~~license of a motor vehicle dealer licensed under this chapter if, or a fee of at least five hundred dollars but not more than two thousand dollars for a third or subsequent violation of this section occurs within five years of the first violation.~~

**SECTION 7. AMENDMENT.** Section 39-22-20 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-20. Display and sale of vehicles by out-of-state dealers - Offsite display and sale by instate dealers - Penalty.**

1. An out-of-state motor vehicle dealer who possesses a current motor vehicle dealer license from the dealer's home jurisdiction may participate in bona fide North Dakota automobile shows and sales promotions after obtaining a permit from the department. The permit must be issued upon the payment of a fee of one hundred dollars and is valid for a period of time, not to exceed seven days, to be determined by the department.
2. A motor vehicle dealer licensed under this chapter may participate in bona fide automobile shows and sales promotions in this state after obtaining a permit from the department. The permit must be issued upon the payment of a fee of twenty-five dollars and is valid for a period of time, not to exceed seven days, to be determined by the department.
3. The department shall deny an application for a permit if it determines the applicant does not intend to participate in a bona fide show or promotion. ~~Any~~
4. ~~The department may assess a person violating this section must be assessed a one hundred dollar fee by the department for a first violation and, a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall suspend the license of a motor vehicle dealer licensed under this chapter if, or a fee of at least five hundred dollars but not more than two thousand dollars for a third or subsequent violation of this section occurs within five years of the first violation.~~

**SECTION 8. AMENDMENT.** Section 39-22-21 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-21. Consignment vehicles - Penalty.**

1. A motor vehicle dealer may sell a motor vehicle consigned to the dealer by a motor vehicle owner, except when the owner is a licensed motor vehicle dealer, under the terms of a consignment contract between the owner and the dealer. However, a motor vehicle dealer may sell a collector motor vehicle consigned to the dealer by an owner that is a licensed motor vehicle dealer. The consignment contract form must specify the terms of the agreement between the owner and the dealer, specify the location of the motor vehicle certificate of title, and must be approved by the department. ~~A~~
2. ~~The department may assess a person violating this section must be assessed a one hundred dollar fee by the department for a first violation and, a two hundred dollar fee by the department for a second violation~~

within two years of the first violation. ~~The department shall revoke the license of a motor vehicle dealer licensed under this chapter if, or a fee of at least five hundred dollars but not more than two thousand dollars for a third or subsequent violation of this section occurs within five years of the first violation.~~

**SECTION 9. AMENDMENT.** Section 39-22-22 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-22. Operators of motor vehicle display lots - Permit required - Fee - Records required - Penalty.**

1. A person not licensed as a motor vehicle dealer may operate display lots on which the owner of a vehicle may display the vehicle for sale. The display lot must be located on property zoned or otherwise approved for this purpose by the appropriate zoning authority. The display lot operator must obtain an annual permit from the department to operate ~~such a~~ the lot. The annual fee for the permit is fifty dollars.
2. The display lot operator must provide the department with proof of a liability insurance policy with a minimum coverage of three hundred thousand dollars. The display lot must have a prominent sign identifying the business and the telephone number of the business owner. The sign must be at least thirty-two square feet [2.97 square meters] in size, contain the name of the display lot operator in letters at least ten inches [25.4 centimeters] high, and be clearly visible from the street.
3. The display lot operator, before providing space to a vehicle owner, must verify that the person renting the space is the owner of the displayed vehicle ~~that will be displayed~~ and keep records for at least one year ~~thereafter~~ after the rental of a space verifying compliance with this requirement. A licensed motor vehicle dealer ~~shall~~ may not be ~~permitted to operate a display lots except lot~~ on property that is ~~not otherwise~~ a part of the licensed dealership. The department may inspect the records of the display lot operator related to any complaint made against the operator. ~~Any~~
4. ~~The department may assess a person violating this section~~ must be assessed a one hundred dollar fee ~~by the department~~ for a first violation ~~and, a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall suspend the permit if, or a fee of at least five hundred dollars but not more than two thousand dollars for a third or subsequent violation of this section occurs within five years of the first violation.~~

**SECTION 10. AMENDMENT.** Section 39-22-23 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-23. Auto auction operators - License required - Records required - Penalty.**

1. A person may not operate a wholesale or retail auto auction business without being licensed as a motor vehicle dealer. An auto auction operator must keep records related to the seller and purchaser of all vehicles sold through the operator's business for at least two years and

make those records available to the director or an authorized representative of the director upon reasonable request. ~~Any~~

2. The department may assess a person violating this section ~~must be assessed~~ a one hundred dollar fee ~~by the department~~ for a first violation and a two hundred dollar fee ~~by the department~~ for a second violation within two years of the first violation. The department ~~shall~~ may suspend the license of a motor vehicle dealer licensed under this chapter if a third or subsequent violation of this section occurs within five years of the first violation.

Approved April 9, 2007  
Filed April 10, 2007

**CHAPTER 342****SENATE BILL NO. 2111**

(Transportation Committee)

(At the request of the Department of Transportation)

**MOTOR VEHICLE DEALER PLATES**

AN ACT to amend and reenact section 39-22-17 of the North Dakota Century Code, relating to motor vehicle dealer plates.

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

<sup>180</sup> **SECTION 1. AMENDMENT.** Section 39-22-17 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-17. Additional dealer plates - In-transit plates - Demonstration plates - Fees - Use of dealer plates - Penalty.** Additional dealer number plates must be issued to the dealer upon payment of a fee of ~~twenty-five~~ twenty dollars each. ~~These~~ A dealer number plates plate may be used on any vehicle owned by the dealership and used in the direct functions of demonstrating, buying, or selling vehicles. Dealer plates may not be used on service vehicles or vehicles used in other functions of the business, sold units in the possession of the purchaser, by family members not residing at the dealer's residence, or by other persons not directly involved in the operation of the dealership. ~~The director may issue to any dealer an in-transit license plate for a fee of five dollars per plate and a demonstration plate for a fee of five dollars per plate. A dealer in-transit plate may be used on vehicles in lieu of dealer's plates while a motor vehicle is in transit from its place of manufacture, or any other place, to the dealer or in transit from the dealer, by a direct route, to another destination. A dealer demonstration plate may be used only on a vehicle which is owned by the dealership and being demonstrated to a customer. A dealer demonstration plate is valid for use only within a radius of one hundred miles [160.93 kilometers] of the dealer's established place of business. Any dealer plate, in-transit plate, or demonstration plate displayed on a vehicle must be visibly displayed on the rear of the vehicle. Any person violating this section must be assessed a one hundred dollar fee by the department for a first violation and a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall suspend the license of a motor vehicle dealer licensed under this chapter if a third or subsequent violation of this section occurs within five years of the first violation.~~

Approved April 13, 2007

Filed April 16, 2007

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<sup>180</sup> Section 39-22-17 was also amended by section 6 of Senate Bill No. 2148, chapter 341.

## CHAPTER 343

### HOUSE BILL NO. 1465

(Representatives Hawken, Nelson, Weisz)

(Senator Nething)

## MOTOR-POWERED RECREATIONAL VEHICLES

AN ACT to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to the definition of motor-powered recreational vehicles; and to amend and reenact sections 39-22-05.1, 39-22.3-01, 39-22.3-02, 39-22.3-03, 39-22.3-04, 39-22.3-05, 39-22.3-06, 39-22.3-07, 39-22.3-08, 39-22.3-09, and 39-22.3-10 of the North Dakota Century Code, relating to deposit of dealer enforcement funds and the licensing of motor-powered recreational vehicle dealers.

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

<sup>181</sup> **SECTION 1.** A new subsection to section 39-01-01 of the North Dakota Century Code is created and enacted as follows:

"Motor-powered recreational vehicle" means a motorcycle, off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in section 39-24-01.

**SECTION 2. AMENDMENT.** Section 39-22-05.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-05.1. Disposition of fees.** Fees from registration of dealers and fees collected from dealers found in violation of this chapter must be deposited with the state treasurer, credited to the ~~motor vehicle registration~~ dealer enforcement fund, and used exclusively for enforcement of this chapter.

**SECTION 3. AMENDMENT.** Section 39-22.3-01 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-01. ~~Motorcycle~~ Motor-powered recreational vehicle dealer's license - Fees - Additional number plates.** ~~It is unlawful for any A person, partnership, corporation, or limited liability company to~~ may not engage in the business of buying, selling, or exchanging of ~~motorcycles~~ motor-powered recreational vehicles without possessing a current ~~motorcycle~~ motor-powered recreational vehicle dealer's license. ~~No A person, partnership, corporation, or limited liability company may not~~ advertise or hold out to the public as engaging in the buying, selling, or exchanging of ~~motorcycles~~ motor-powered recreational vehicles for resale without possession of a current ~~motorcycle~~ motor-powered recreational vehicle dealer's license. The ~~motorcycle~~ motor-powered recreational vehicle dealer's license fee is twenty-five dollars per year and with which must be issued one dealer's plate. Additional dealer's plates are ten dollars each. A dealer

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<sup>181</sup> Section 39-01-01 was also amended by section 1 of House Bill No. 1087, chapter 315.

plate may be displayed on any ~~motorcycle~~ motor-powered recreational vehicle owned by the dealer.

**SECTION 4. AMENDMENT.** Section 39-22.3-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-02. Application required.** ~~No~~ A license may ~~not~~ be granted unless a completed application has been made in the form prescribed by the director.

**SECTION 5. AMENDMENT.** Section 39-22.3-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-03. Issuance of license - Conditions - Penalty.** ~~No~~ A license may ~~not~~ be issued until the applicant furnishes proof satisfactory to the director that the applicant has and will continue to maintain an established place of business. An established central place of business means a permanent enclosed building or structure either owned or leased with a stated periodic rental, at which a permanent business of bartering, trading, and selling of ~~motorcycles~~ motor-powered recreational vehicles, the repair, maintenance, and servicing of ~~motorcycles~~ motor-powered recreational vehicles and the storage of parts and accessories ~~therefor~~, of motor-powered recreational vehicles will be carried out in good faith and not for the purpose of evading this section, and where the business books, records, and files ~~shall~~ must be maintained, and does not mean a residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. ~~Said~~ The central place of business may consist of several buildings, or structures, but ~~no~~ a building or structure may ~~not~~ be located beyond one thousand feet [304.8 meters] from any other buildings or structures of ~~said~~ the central place of business. ~~Such~~ The central place of business must be located within ~~the~~ this state of ~~North Dakota~~. The licensee must be permitted to use unimproved lots and premises for sales, storage, or display of ~~motorcycles~~ motor-powered recreational vehicles. A nonrefundable fee of fifty dollars will be charged for each inspection and must accompany each initial application for a ~~motorcycle~~ motor-powered recreational vehicle dealer's license. Any dealer violating this chapter must be assessed a one hundred dollar fee by the department for a first violation and a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall suspend the license of a ~~motorcycle~~ motor-powered recreational vehicle dealer licensed under this chapter if a third or subsequent violation of this chapter occurs within five years of the first violation.

**SECTION 6. AMENDMENT.** Section 39-22.3-04 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-04. Grounds for denial, suspension, cancellation, or revocation of dealer's license.** The director may deny an application for a dealer's license or suspend, revoke, or cancel ~~such~~ a the 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 director.
3. For knowingly permitting any salesperson to sell or exchange, or offer or attempt to sell or exchange any ~~motorcycle~~ motor-powered recreational

vehicle except for the licensed ~~motorcycle~~ motor-powered recreational vehicle 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~~.

**SECTION 7. AMENDMENT.** Section 39-22.3-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-05. Bond required.** The license applicant shall furnish a continuous surety bond executed by a surety company, licensed and qualified to do business within ~~the state of North Dakota, which this state and the~~ bond must run to the state of North Dakota in the amount of ten thousand dollars and be conditioned upon the faithful compliance by ~~said the~~ applicant with all the statutes of ~~the state of North Dakota this state~~, regulating or being applicable to a dealer in ~~motorcycles~~ motor-powered recreational vehicles, and indemnifying any person having a ~~motorcycle~~ motor-powered recreational vehicle transaction with ~~said the~~ dealer from any loss of damage occasioned by the failure of ~~such the~~ dealer to comply with any statutory requirement of ~~such the~~ transaction. The bond must be filed with the director ~~prior to~~ before the issuance of a license. The aggregate liability of the surety of all persons may ~~in no event not~~ exceed the amount of the bond. Any third party sustaining injury within the terms of the bond may proceed against the principal and surety without making the state a party of any ~~such~~ proceedings. The bond may be canceled by the surety, as to future liability, by giving written notice by certified mail, addressed to the principal at the address stated in the bond, and to the department. Thirty days after the mailing of the notice, the bond is null and void as to any subsequent liability thereafter arising. The surety remains liable, subject to the terms, conditions, and provisions of the bond, until the effective date of the cancellation.

**SECTION 8. AMENDMENT.** Section 39-22.3-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-06. Disposition of fees.** Fees from registration of dealers must be deposited with the state treasurer and credited to the ~~highway tax distribution fund~~ dealer enforcement fund to be used exclusively for enforcement of this chapter.

**SECTION 9. AMENDMENT.** Section 39-22.3-07 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-07. Dealer permitting license to be used by another dealer - License revoked - Penalty.** A dealer who permits any other dealer to use that first dealer's license, or permits the use of ~~such the~~ license for the benefit of any other dealer, is guilty of an infraction. The director shall revoke the license of any dealer who violates this section.

**SECTION 10. AMENDMENT.** Section 39-22.3-08 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-08. Dealers to furnish information to director.** All dealers engaged in the sale of ~~motorcycles~~ motor-powered recreational vehicles in this state

shall furnish the director with ~~such~~ information as to models, specifications, selling prices, and ~~such~~ other data requested by the director as may be necessary in carrying out ~~the provisions~~ of this chapter.

**SECTION 11. AMENDMENT.** Section 39-22.3-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-09. Powers of the director.** In addition to other powers provided by law, the director ~~has the following powers and duties which must be exercised~~ in conformity with this chapter:

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

**SECTION 12. AMENDMENT.** Section 39-22.3-10 of the North Dakota Century Code is amended and reenacted as follows:

**39-22.3-10. Examination of books and records.** The director or the director's duly authorized representative may inspect the books, letters, records, and contracts of any licensed ~~motorcycle~~ motor-powered recreational vehicle dealer relating to any specific complaint made against ~~such~~ the dealer and held to be in violation of any ~~of the provisions~~ provision of this title.

Approved April 11, 2007  
Filed April 13, 2007



**CHAPTER 344****HOUSE BILL NO. 1362**

(Representatives Nelson, Boe, Damschen)

(Senators O'Connell, Olafson)

**OUT-OF-STATE SNOWMOBILE REGISTRATION FEES**

AN ACT to amend and reenact subsection 3 of section 39-24-04 of the North Dakota Century Code, relating to out-of-state snowmobile registration fees.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 39-24-04 of the North Dakota Century Code is amended and reenacted as follows:

3. If a snowmobile is exempt from registration under subdivision b or c of subsection 2, the owner is required to ~~display on the snowmobile a~~ ~~deal~~ purchase an out-of-state public trails and lands access permit received upon payment of a fifteen dollar per year ~~trail access~~ fee. ~~Fees~~ The permit must be in the operator's possession when that individual is operating the snowmobile within the state. Dealers or other agents authorized by the director of the parks and recreation department who sell out-of-state public trails and lands access permits may retain one dollar of the fifteen dollar per year fee and the remainder of the fees collected under this subsection must be deposited in the state snowmobile fund.

Approved April 9, 2007

Filed April 10, 2007

**CHAPTER 345****HOUSE BILL NO. 1089**

(Transportation Committee)

(At the request of the Department of Transportation)

**ABANDONED MOTOR VEHICLE FUND AND  
VEHICLES**

AN ACT to amend and reenact sections 39-26-12, 39-29.1-01, and 39-29.1-08 of the North Dakota Century Code, relating to the abandoned motor vehicle fund and low-speed vehicles.

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

**SECTION 1. AMENDMENT.** Section 39-26-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-26-12. Tax on initial motor vehicle certificates of title- ~~When tax is suspended.~~** There is hereby imposed a tax of ~~two dollars~~ one dollar and fifty cents on each initial North Dakota certificate of title issued to a passenger motor vehicle or a truck motor vehicle. The proceeds of such tax must be paid into the abandoned motor vehicle disposal fund in the state treasury. No registration plates or title certificate may be issued unless such tax is paid. Expenses of the fund arising from the provisions of this chapter must be paid from the fund within the limits of legislative appropriation. If on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is two hundred fifty thousand dollars or more, the ~~tax must be suspended and the amount in excess of two hundred fifty thousand dollars must be transferred to the highway fund.~~ If the tax has been suspended and on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is one hundred thousand dollars or less the tax must be reimposed on and after January first of the succeeding year.

**SECTION 2. AMENDMENT.** Section 39-29.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**39-29.1-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed, upon a paved level surface, of more than twenty miles [32 kilometers] per hour in one mile [1.6 kilometers] and not more than twenty-five miles [40 kilometers] per hour in one mile [1.6 kilometers] and may not exceed one three thousand five hundred pounds [~~680-39~~ 1361 kilograms] in ~~unloaded~~ weight when fully loaded with passengers and any cargo.
2. "Operate" means to ride in or on and control the operation of a low-speed vehicle.
3. "Register" means the act of assigning a registration number to a low-speed vehicle.

**SECTION 3. AMENDMENT.** Section 39-29.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**39-29.1-08. Equipment.** A low-speed vehicle must be equipped with headlamps, front and rear turn signal lamps, taillamps, stop lamps, red reflex reflectors on each side as far to the rear of the vehicle as practicable and one red reflector on the rear, brakes, a parking brake, a windshield, a vehicle identification number, a safety belt assembly installed at each designated seating position, an exterior mirror mounted on the operator's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rearview mirror.

Approved April 13, 2007

Filed April 16, 2007

**CHAPTER 346****HOUSE BILL NO. 1183**

(Representatives Ruby, Bellew, Dietrich, Owens)

**MOTORCYCLE HANDLEBARS**

AN ACT to amend and reenact subsection 5 of section 39-27-06 of the North Dakota Century Code, relating to motorcycle handlebars.

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

**SECTION 1. AMENDMENT.** Subsection 5 of section 39-27-06 of the North Dakota Century Code is amended and reenacted as follows:

5. Handlebars must be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred pounds [45.36 kilograms] applied to each handgrip in any direction. Handlebar grips ~~must~~ may not be located ~~no more than fifteen inches [38.1 centimeters] above the unoccupied seat with the handlebars located in a straight-ahead position above the shoulder~~ height of the seated operator and ~~shall~~ must be capable of vertical adjustment. The handlebars must provide a minimum of eighteen inches [45.72 centimeters] between grip after final assembly.

Approved March 23, 2007

Filed March 23, 2007

**CHAPTER 347****HOUSE BILL NO. 1205**

(Representatives Ruby, Dietrich, Owens)

**MOTORCYCLE LIGHTS**

AN ACT to amend and reenact sections 39-27-17 and 39-27-17.1 of the North Dakota Century Code, relating to motorcycle lights.

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

**SECTION 1. AMENDMENT.** Section 39-27-17 of the North Dakota Century Code is amended and reenacted as follows:

**39-27-17. Lighting equipment.**

1. ~~Every~~ A motorcycle must be equipped with lamps, reflective devices, and associated equipment as required by and in compliance with standards adopted by rule of the director.
2. A gearbox indicator light, if provided, must be located within the operator's field of vision.
3. A headlamp beam indicator light must be located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated.
4. A motorcycle must be equipped with at least one taillamp in accordance with section 39-21-04.
5. A motorcycle must be equipped with a stop lamp in accordance with subsection 1 of section 39-21-19.

**SECTION 2. AMENDMENT.** Section 39-27-17.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-27-17.1. ~~Lighting equipment on motor-driven cycles~~ Headlamps on motorcycles.**

1. The headlamp or headlamps upon every motor-driven cycle may be of the single-beam or multiple-beam type ~~but in either event must comply with the requirements and limitations as follows:~~
4. 2. Every headlamp or headlamps on a motor-driven cycle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet [30.48 meters] when the motor-driven cycle is operated at any speed less than twenty-five miles [40.23 kilometers] per hour and at a distance of not less than two hundred feet [60.96 meters] when the motor-driven cycle is operated at a speed of twenty-five or more miles [40.23 or more kilometers] per hour, and at a distance of not less than three hundred feet [91.44 meters] when the motor-driven cycle is operated at a speed of thirty-five miles [56.33 kilometers] per hour.

- ~~2.~~ 3. In the event the motor-driven cycle is equipped with a multiple-beam headlamp or headlamps the upper beam must meet the minimum requirements set forth above and may not exceed the limitations set forth in subsection 1 of section 39-21-20 and the lowermost beam must meet the requirements applicable to a lowermost distribution of light as set forth in subsection 2 of section 39-21-20.
- ~~3.~~ 4. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps the lamp or lamps must be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet [7.62 meters] ahead, projects higher than the level of the center of the lamp from which it comes.

Approved March 12, 2007  
Filed March 13, 2007

**CHAPTER 348****HOUSE BILL NO. 1445**

(Representatives Nelson, S. Meyer, Weisz)  
(Senators Andrist, Potter)

**OFF-HIGHWAY VEHICLE OPERATION AND  
EQUIPMENT**

AN ACT to create and enact a new section to chapter 39-29 of the North Dakota Century Code, relating to equipment of registered off-highway vehicles; and to amend and reenact subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to the operation of off-highway vehicles.

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

**SECTION 1.** A new section to chapter 39-29 of the North Dakota Century Code is created and enacted as follows:

**Equipment.** To operate an off-highway vehicle on a paved highway or gravel, dirt, or loose surface roadway under subsection 1 of section 39-29-09, the off-highway vehicle must be equipped with a mirror in compliance with section 39-27-09, a horn in compliance with section 39-27-15, a speedometer and odometer in compliance with section 39-27-16, a brake light, a lighted headlamp in compliance with section 39-27-17.1, and a motor of at least three hundred fifty cubic centimeters.

**SECTION 2. AMENDMENT.** Subsection 1 of section 39-29-09 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not operate an off-highway 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, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved ~~county or township roadway if the off-highway vehicle is towing an implement of husbandry and does not exceed the speed of twenty-five miles [40.23 kilometers] per hour.~~ highway designated and posted at a speed not exceeding forty-five fifty-five miles [72.42 88.51 kilometers] per hour. A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour.

Approved April 18, 2007  
Filed April 19, 2007