

ALCOHOLIC BEVERAGES

CHAPTER 8

S. B. No. 183

(Torno, Olson of Mountrail, Murry and Frojen)

SALE OF BEER AND ALCOHOLIC BEVERAGES TO MINORS, INCOMPETENTS, INDIANS, HABITUAL DRUNKARDS—PENALTIES

AN ACT

To amend and reenact section 1 of chapter 52 of the Session Laws of North Dakota for the year 1945, relating to the sale of beer and alcoholic beverages to persons under twenty-one years of age, incompetent persons, Indians defined by federal law, or to a person, who is an inebriate or habitual drunkard, prescribing penalties, and declaring an emergency.

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

§ 1. AMENDMENT.] That section 1 of Chapter 52 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

§ 1.] No person shall sell or deliver any beer, alcohol or alcoholic beverages to any person under the age of twenty-one years, incompetent person, Indian as defined by federal law, or a person who is an inebriate, or habitual drunkard. Any person violating the provisions of this section shall be guilty of a misdemeanor, and for the first offense shall be punished by imprisonment in the county jail for not less than ten days nor more than thirty days, or by a fine of not less than twenty dollars nor more than one hundred dollars, or by both such fine and imprisonment; and for a second or subsequent offense shall be punished by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by a fine of not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 20, 1947.

CHAPTER 9

S. B. No. 184

(Torno, Frojen, Murry, Olson of Mountrail and Olson of Barnes)

SUSPENSION OR REVOCATION RETAIL ALCOHOLIC BEVERAGE
LICENSE

AN ACT

To amend and reenact sections 9 and 11 of chapter 50 of the Session Laws of North Dakota for the year 1945, relating to the licensing by the attorney general of retail beer dealers and retail liquor dealers; and prescribing penalties for violations.

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

§ 1. AMENDMENT.] That section 9 of chapter 50 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

§ 9. SUSPENSION OR REVOCATION OF LICENSE.] If, after such hearing, the attorney general finds that the violation or violations charged in the affidavit have been established by the evidence, he shall order the revocation or suspension of the license. If the attorney general finds that the licensee has not previously violated the law in the operation of his licensed business and that no license held by him has previously been suspended or revoked and if it appears to the satisfaction of the attorney general that there is reasonable ground to believe that the licensee will not again commit the offense or offenses charged in the affidavit and that to revoke the license would be unduly severe, then the attorney general may in his discretion, suspend the license for such period of time as he deems proper.

Any person, firm, or corporation whose license is revoked by the attorney general pursuant to the provisions of chapter 50 of the Session Laws of North Dakota for the year 1945, and acts amendatory thereof, shall not be eligible thereafter to engage in the sale of beer, alcohol and alcoholic beverages at any place in this state either personally, or indirectly by having a financial interest in such business, until such revocation of license is rescinded by the attorney general. Any person, firm, or corporation whose license is suspended by the attorney general shall not be eligible during the period of such suspension to engage in the sale of beer, alcohol or alcoholic beverages at any place in this state either personally, or indirectly by having a financial interest in such business.

§ 2. AMENDMENT.] That section 11 of chapter 50 of the Session Laws of North Dakota for the year 1945 is hereby

amended and reenacted to read as follows:

§ 11. REVIEW BY THE COURT.] The action of the attorney general in revoking or suspending a license may be appealed to the district court of the county and district in which the premises described in the license are located by procedure applicable to appeals from justice court except that the attorney general's order revoking or suspending the license may be stayed by the court appealed to upon filing with the clerk of said court a bond approved by and in the amount set by the judge of said district court for the faithful observance of the laws of the state relative to the operation of the business licensed during the pendency of the appeal.

Such appeal shall be heard and determined by the court, without a jury, at any time fixed by the court. A certified transcript of the evidence adduced at the hearing provided for in section 8 of chapter 50 of the Session Laws of North Dakota for the year 1945 may be introduced in evidence and shall be considered by the court.

The revocation or suspension of a licensee's municipal or county license shall automatically revoke or suspend such licensee's state license.

§ 3. PENALTY.] Any person, firm, partnership or corporation violating any of the provisions of chapter 50 of the session laws of North Dakota for the year 1945 as amended shall be punished by a fine of not less than ten dollars and not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days or by both fine and imprisonment; or may be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by not to exceed ninety days in jail, or by both such fine and imprisonment.

Approved March 7, 1947.

CHAPTER 10**H. B. No. 169****(Wambheim, Lillehaugen, Williams, Dronen and Wollitz)****CONSUMPTION AND POSSESSION ALCOHOLIC BEVERAGES
IN MOTOR VEHICLE UNLAWFUL—PENALTY****AN ACT**

Making it Unlawful for any Person to Drink or Consume Beer or Alcohol or Alcoholic Beverages in an Automobile, Truck, or Bus, or to have in his Possession in an Automobile, Truck, or Bus, an Opened Bottle or Other Receptacle Containing Beer, Alcohol, or Alcoholic Beverages as Defined in Section 5-0101 of the North Dakota Revised Code of 1943, and Prescribing Penalty.

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

§ 1. UNLAWFUL TO HAVE OPENED RECEPTACLE CONTAINING BEER, ALCOHOL, OR ALCOHOLIC BEVERAGES IN AUTOMOBILE, TRUCK, OR BUS.] No person shall drink or consume beer, alcohol, or alcoholic beverages, as defined in section 5-0101 of the North Dakota Revised Code of 1943, in an automobile, truck, or bus, nor shall any person have in his possession on his person while in an automobile, truck, or bus, or keep in an automobile, truck, or bus, any bottle or receptacle, containing beer, alcohol, or alcoholic beverages, as herein defined, which has been opened or the contents of which have been partially consumed.

§ 2. PENALTY.] Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Approved March 15, 1947.

CHAPTER 11**H. B. No. 185****(Holand, Gackle of LaMoure and Halcrow)****RETAIL LIQUOR SALE, LICENSE AND FEE****AN ACT**

To amend and reenact Section 5-0303 of the North Dakota Revised Code of 1943 relating to the license for the retail sale of intoxicating liquor.

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

§ 1. AMENDMENT.] Section 5-0303 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

5-0303. LICENSE FOR RETAIL SALE: FEE.] Any person engaging in the retail sale of liquor first must procure a license from the governing body of the city or village wherein the said business is to be conducted. The fee for such license shall not be less than two hundred dollars nor more than two thousand dollars to be determined by the governing body of such city or village. Any person desiring to engage in the retail sale of liquor at a place other than within the incorporated limits of a city or village first must procure a license from the board of county commissioners of the county in which such business is to be conducted. The fee for such license shall not be less than two hundred dollars nor more than one thousand dollars, to be determined by the said board of county commissioners. The license fees shall be the same to each individual within each of the said political subdivisions respectively, and a license shall not be transferable, except to the executors or administrators of a deceased license holder. Such retail license shall not permit the sale at any time to any person of an amount greater than five wine gallons.

Approved March 11, 1947.

CHAPTER 12**H. B. No. 124****(Wollitz, Williams, Baeverstad, Wolf, Schuler, Rudolf,
Welk, Stanley, Severson, Homelvig, Stair, and Luick)****PROHIBITING LIQUOR SALES ON ELECTION DAY, MEMORIAL DAY
AND GOOD FRIDAY****AN ACT**

To amend and reenact section 5-0113 of the North Dakota Revised Code of 1943, prohibiting the selling of liquor on election and Memorial Day and Good Friday and providing for punishment and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 5-0113 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

5-0113. SELLING LIQUORS ON ELECTION DAY AND MEMORIAL DAY PROHIBITED; PUNISHMENT.] Every person who sells, gives away, or disposes of any alcoholic beverage on Memorial Day, and Good Friday or on the day of any general, special, or local election, in the village, city, or county where held, is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than twenty days and by a fine of not less than fifty dollars nor more than one hundred dollars.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 13**H. B. No. 236****(Fuglestad, Halcrow, Fitch)****PROHIBITING SUBSIDIES TO RETAIL DEALERS BY MANUFACTURERS
OR WHOLESALERS OF ALCOHOLIC BEVERAGES****AN ACT**

Amending and reenacting section 2, Chapter 53 of the Session Laws of North Dakota for the year 1945 relating to prohibiting manufacturers and wholesalers of alcoholic beverages from giving financial aid or furnishing fixtures or equipment to retailers.

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

§ 1. AMENDMENT.] That section 2 of Chapter 53 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

§ 2. SUBSIDIZING PROHIBITED.] No manufacturer or wholesaler, either directly or indirectly, shall own or control, or have any financial interest in, any retail business selling beer or alcohol and alcoholic beverages; but this restriction shall not be construed to deny such person the right to use or have his property rented for such purpose in any case where the manufacturer or wholesaler was a bona fide owner of the premises prior to the effective date hereof. No manufacturer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner thereof, give, lend or advance any money, credit or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease or sell any furniture, fixtures, fittings or equipment to any retailer or to any person for the benefit or relief of any retailer; nor shall any manufacturer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail license, or advance, furnish, lend or give money for the payment of retail license fees or any expense incident to the obtaining of such license; nor shall any manufacturer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer; except that manufacturers or wholesalers may:

1. Extend to retailers the usual and customary commercial credits for products of the industry actually sold and delivered;

2. Furnish to retailers the containers of beer actually sold and delivered and may recover the same, or the value thereof, if such containers are not returned;
3. Furnish, lend or rent outside signs to retailers, provided the cost of such signs, in the aggregate, furnished, lent or rented by any manufacturer or wholesaler to any retailer shall not exceed one hundred dollars exclusive of erection, installation and repair charges; but nothing herein shall be construed as affecting signs owned and located in the state on the effective date hereof by any such manufacturer or wholesaler;
4. Furnish inside signs, miscellaneous advertising matter and other items not to exceed, in the aggregate, a cost of twenty-five dollars in any calendar year to any one retailer;
5. Furnish or maintain for retailers such equipment as is designed and intended to preserve and maintain the sanitary dispensing of beer, provided the expense incurred thereby does not exceed the sum of twenty-five dollars per tap per calendar year, no part of which shall be paid in cash to any retailer;
6. Lease or lend to the owner of premises, or to any retailer now or hereafter occupying the premises, any furniture, fixtures, fittings and equipment actually located on said premises on July 1, 1945.

Approved March 13, 1947.