

OCCUPATIONS AND PROFESSIONS

CHAPTER 287

S. B. No. 207
(Lips, Mutch)

STANDARD OF CARE OF PHYSICIANS

AN ACT

To define the standard of care required of physicians and surgeons when rendering emergency care at the scene of an emergency, and protecting nonresident physicians and surgeons with respect to nonlicensure.

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

§ 1. **Degree of Care.)** Any physician or surgeon licensed under the provisions of chapter 43-17 of the North Dakota Century Code who in good faith renders in this state emergency care at the scene of the emergency shall be expected to render only such emergency care as in his judgment is at the time indicated.

§ 2. **Nonresident Physicians.)** Any physician or surgeon duly licensed to practice his profession in another state of the United States who renders in this state emergency care at the scene of the emergency shall only be held to the degree of care as specified in section 1 of this Act; and he shall not be deemed to be practicing medicine within this state as contemplated by chapter 43-17 of the North Dakota Century Code.

Approved February 28, 1961.

CHAPTER 288

H. B. No. 822
(Aamoth, Hagen, Scott, Mueller)

NONRESIDENT CONTRACTOR'S BONDS

AN ACT

To amend and reenact section 43-07-11 of the North Dakota Century Code, relating to nonresident contractors—bond requirements.

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

§ 1. **Amendment.)** Section 43-07-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-07-11. Nonresident Contractors — Bond Requirements.)

Every nonresident contractor as hereinbefore defined engaging in business as a public contractor shall be required to include in the undertaking and bond required by law to be executed to insure the performance of any contract for such public work or project, further and added provisions to insure the payment of contributions due to the unemployment compensation division and to the North Dakota workmen's compensation fund of all premiums to become due on wages paid to labor employed in such work or project. Such contractor also shall include in such undertaking or bond provisions to insure the payment to the state of North Dakota of the state income tax upon income derived from such work or project and upon income to become due from such work or project.

Approved March 8, 1961.

CHAPTER 289

S. B. No. 242

(Lips)

INFORMATION ON BIDDERS**AN ACT**

To amend and reenact section 43-07-12 of the North Dakota Century Code, relating to and providing for information on bidders to be contained on bid envelopes.

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

§ 1. Amendment.) Section 43-07-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-07-12. Bids to Show License Issued.) All bids and proposals for the construction of any public contract project subject to the provisions of this chapter shall contain a statement showing that the bidder or contractor is duly and regularly licensed hereunder. The number and class of such license then held by such public contractor shall appear upon such bid or proposal. No contract shall be awarded to any contractor unless he is the holder of a license in the class within which the value of the project shall fall as hereinbefore provided. A contractor must be the holder of a license at least ten days prior to the date set for receiving bids, to be a qualified bidder.

Except in the case of bids submitted to the state highway department the bid shall be submitted in a sealed envelope upon which there is disclosed the following information:

1. The class of license held by the bidder;
2. The number of the bidder's license;
3. The name of the person, firm or corporation submitting the bid;
4. Date on which license was issued or renewed.

A bid submitted without this information on the envelope shall not be considered and shall be returned to the bidder.

Approved March 17, 1961.

CHAPTER 290

H. B. No. 920
(Fraase, Miller)

OIL, GAS, AND MINERAL BROKERS

AN ACT

To amend and reenact sections 43-22-02, 43-22-03, and 43-22-08 of North Dakota Century Code, relating to oil, gas, and mineral brokers.

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

§ 1. Amendment.) Section 43-22-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-22-02. Broker Shall Register.) No person shall engage in business as an oil, gas or mineral broker without first having registered with the commissioner on a form provided by the commissioner which shall include only the following information:

1. The full name of said broker and his full business address in the state of North Dakota;
2. The position or capacity of the broker if he is a member of a partnership or the employee of a corporation and the business address of such copartnership or corporation;
3. The place of legal residence of the registering broker; and
4. In addition, the commissioner shall inquire into the business reputation and character of a broker by requiring three (3) references from the broker.

The registration shall be kept permanently on file by the commissioner and shall be public records open for inspection. Such registration shall be automatically ineffective and invalid without notice June 30 after the date of initial registration, unless the registrant renews the registration for another yearly period and pays the prescribed renewal fee. The commissioner may revoke and cancel the registration of a broker prior to expiration of its term whenever the bond of the broker becomes ineffective or is canceled, by sending notice of revocation through registered or certified mail to the business post-office address shown in the registration.

§ 2. Amendment.) Section 43-22-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-22-03. Bond Required — Filing of Bond with Registration.) Every broker making the registration required by this chapter shall at the same time file with the commissioner a surety bond in an amount deemed necessary by the commissioner, but not to exceed \$5,000.00, the surety on which shall be a surety company authorized to transact business in the state of North Dakota. The obligee in such bond shall be the state of North Dakota for the use and benefit of any person dealing with such broker and shall be conditioned for the performance of any purchase, sale or other agreement made by such broker, provided, however, that the aggregate liability of the surety to all such surface holders or land owners should in no event exceed the amount of such bond.

§ 3. Amendment.) Section 43-22-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-22-08. Registration Fees.) The commissioner shall receive and the broker shall pay the following fees:

1. For initial registration as provided in this chapter the sum of fifty dollars;
2. For withdrawal of cash or securities deposited in lieu of bond the sum of fifteen dollars; and
3. For annual renewal of registration, the sum of ten dollars.

All fees received from the provisions of this section shall be deposited in the general fund.

Approved March 16, 1961.

CHAPTER 291

H. B. No. 608

(Stockman)

MASSEURS

AN ACT

To amend and reenact section 43-25-06 and repeal section 43-25-17 of the North Dakota Century Code, relating to registration of masseurs and the bond of the secretary-treasurer of the board of massage.

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

§ 1. **Amendment.)** Section 43-25-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-25-06. Removal of Members of Board of Massage—Officers of the Board—Meeting.) The governor may remove from office, members of the North Dakota board of massage for neglect of duties as required by this chapter or for malfeasance in office and incompetency, or for unprofessional conduct. The governor may fill any vacancy caused by removal of any member of the board of massage, on his or her resignation or death, all such appointees to be practicing masseurs or masseuses in the state.

The board of massage shall within two weeks after their appointment, meet at some convenient place within the state of North Dakota and shall then elect a president from their own members, and a secretary-treasurer. The secretary-treasurer shall be bonded in the sum of one thousand dollars in the same manner as other state officials are bonded for the faithful discharge of his duties. The board of massage shall hold examinations from time to time at such place or places as said board may designate.

It shall also be the duty of said board from time to time to examine and inspect or cause to be examined or inspected all massage establishments. Said board and its agents and employees shall have and they are hereby given authority to enter and inspect any such massage establishments at any time during which said establishment is open for the transaction of business.

§ 2. **Repeal.)** Section 43-25-17 of the North Dakota Century Code is hereby repealed.

Approved February 25, 1961.