

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2170

Introduced by

Senators J. Lee, Lyson

Representatives DeKrey, Grande, Gruchalla

1 A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota
2 Century Code, relating to registration of certain sexually oriented businesses; and to provide a
3 penalty.

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

5 **SECTION 1.** A new section to chapter 57-38 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Sexually oriented business - Registration - Penalty.**

8 1. A person that operates a sexually oriented business or who performs live nude
9 entertainment for a sexually oriented business shall register annually with the tax
10 commissioner. The tax commissioner shall provide registration forms and
11 guidelines for registration under this section and shall issue a registration certificate
12 to each person registered. A registration certificate issued to an individual
13 providing live nude entertainment must include the individual's name and the name
14 and business address of any sexually oriented business with which the individual is
15 associated. A sexually oriented business required to register under this section
16 shall include in its registration the permanent business address of the business and
17 shall inform the tax commissioner of any change in the business address within
18 fourteen days of the change. Each person required to register under this section
19 shall keep detailed records listing all taxable income earned by that entity related to
20 providing live nude entertainment. An individual providing live nude entertainment
21 shall have the detailed record and the individual's registration certificate in that
22 individual's possession at any time the individual is providing live nude
23 entertainment.

- 1 2. For the purposes of this section, "sexually oriented business" means an individual
2 or a commercial enterprise that advertises, offers, or provides live nude
3 entertainment for a fee or in connection with any other transfer of money. "Nude"
4 means entirely unclothed or clothed in a manner that leaves uncovered or visible
5 through less than fully opaque clothing any portion of the breasts below the top of
6 the areola of the breasts, if the individual is female, or any portion of the genitals or
7 buttocks.
- 8 3. Any person violating this section is guilty of a class B misdemeanor.