

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator J. Lee

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 is created:

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

- 7 1. A person that operates a sexually oriented business or who performs live nude
8 entertainment for a sexually oriented business shall register annually with the tax
9 commissioner. The tax commissioner shall provide registration forms and
10 guidelines for registration under this section. Each person required to register
11 under this section shall keep detailed records listing all taxable income earned by
12 that entity related to providing live nude entertainment. An individual providing live
13 nude entertainment shall have the detailed record in that individual's possession at
14 any time the individual is providing live nude entertainment.
- 15 2. For the purposes of this section, "sexually oriented business" means an individual
16 or a commercial enterprise that advertises, offers, or provides live nude
17 entertainment for a fee or in connection with any other transfer of money. "Nude"
18 means entirely unclothed or clothed in a manner that leaves uncovered or visible
19 through less than fully opaque clothing any portion of the breasts below the top of
20 the areola of the breasts, if the individual is female, or any portion of the genitals or
21 buttocks.
- 22 3. Any person that provides live nude entertainment and fails to register as provided
23 under subsection 1 or fails to keep or possess the records required by the tax
24 commissioner is guilty of a class B misdemeanor.