

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 and shall issue a registration certificate
11 to each person registered. A registration certificate issued to an individual
12 providing live nude entertainment must include the individual's name and the name
13 of any sexually oriented business with which the individual is associated. Each
14 person required to register under this section shall keep detailed records listing all
15 taxable income earned by that entity related to providing live nude entertainment.
16 An individual providing live nude entertainment shall have the detailed record and
17 the individual's registration certificate in that individual's possession at any time the
18 individual is providing live nude entertainment.

19 2. For the purposes of this section, "sexually oriented business" means an individual
20 or a commercial enterprise that advertises, offers, or provides live nude
21 entertainment for a fee or in connection with any other transfer of money. "Nude"
22 means entirely unclothed or clothed in a manner that leaves uncovered or visible
23 through less than fully opaque clothing any portion of the breasts below the top of

- 1 the areola of the breasts, if the individual is female, or any portion of the genitals or
- 2 buttocks.
- 3 3. Any person violating this section is guilty of a class B misdemeanor.