

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1024

Introduced by

Legislative Council

(Administrative Rules Committee)

1 A BILL for an Act to amend and reenact sections 43-06-18, 43-06-19, 43-10-24, 43-18.1-09,
2 43-18.2-12, 43-23-17, 43-25-19, 43-33-18, 43-40-18, 43-41-14, 43-42-07, 43-45-08, and
3 43-48-16 of the North Dakota Century Code, relating to penalty provisions under occupational
4 and professional licensing laws; to repeal section 43-41-13 of the North Dakota Century Code,
5 relating to bribery and false statements in seeking licensure from the board of social work
6 examiners; and to provide penalties.

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

8 **SECTION 1. AMENDMENT.** Section 43-06-18 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-06-18. State's attorney to enforce law.** The state's attorney of each county in this
11 state shall enforce ~~the provisions of this chapter~~ section 43-06-19 and prosecute all violations
12 thereof, and the secretary-treasurer of the board, under the direction of the board, shall aid in
13 the enforcement of this chapter.

14 **SECTION 2. AMENDMENT.** Section 43-06-19 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **43-06-19. Penalty.** Any person who ~~violates any of the provisions of this chapter, and~~
17 ~~any person~~ fraudulently procures a license to practice chiropractic or who, without complying
18 with the provisions of this chapter:

- 19 1. Practices or attempts to practice chiropractic;
- 20 2. Advertises as a chiropractor; or
- 21 3. Uses the terms or letters, doctor of chiropractic, chiropractor, D.C., chiropractic
22 physician, or any other title that will induce the belief that the person is engaged in
23 the practice of chiropractic,
24 is guilty of a class B misdemeanor.

1 **SECTION 3. AMENDMENT.** Section 43-10-24 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-10-24. Penalty.** Any person ~~willfully violating any of the provisions of sections~~
4 ~~43-10-21 through 43-10-23, except rules and regulations promulgated under~~ operating or
5 managing a funeral establishment without a funeral establishment license in violation of section
6 43-10-22; is guilty of a class B misdemeanor. Any person who willfully violates a rule or
7 regulation promulgated under section 43-10-22 is guilty of an infraction.

8 **SECTION 4. AMENDMENT.** Section 43-18.1-09 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-18.1-09. Violations - Penalty.** Any person ~~who willfully~~ that violates ~~any of the~~
11 ~~provisions of this chapter is guilty of an infraction~~ the state plumbing code adopted under
12 section 43-18-09, violates subsection 1 of section 43-18.1-04, or works under the license of
13 another person in a manner that is in violation of subsection 3 of section 43-18.1-04 is guilty of
14 a class B misdemeanor.

15 **SECTION 5. AMENDMENT.** Section 43-18.2-12 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-18.2-12. Violation - Penalty.** Any person ~~who willfully~~ that violates ~~this chapter is~~
18 ~~guilty of an infraction~~ the state plumbing code adopted under section 43-18-09, violates section
19 43-18.2-03, or works under the license of another person in a manner that is in violation of
20 section 43-18.2-06 is guilty of a class B misdemeanor.

21 **SECTION 6. AMENDMENT.** Section 43-23-17 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **43-23-17. Penalty.** Any person violating ~~any of the provisions of this chapter~~ section
24 43-23-05 or 43-23-14.1 is guilty of an infraction.

25 **SECTION 7. AMENDMENT.** Section 43-25-19 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **43-25-19. Penalty for violation.** Any person violating ~~any of the provisions of this~~
28 ~~chapter~~ section 43-25-03 without being exempt under section 43-25-04 is guilty of a class B
29 misdemeanor. In addition to the criminal penalties provided, the board may initiate a civil action
30 in a court of competent jurisdiction as necessary to enforce this chapter or any rule adopted

1 under this chapter, including an injunction to restrain a violation, without proof of actual
2 damages sustained by any person.

3 **SECTION 8. AMENDMENT.** Section 43-33-18 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **43-33-18. Violations - Penalty - Injunction.** Any person who ~~violates any of the~~
6 ~~provisions of~~ fits or dispenses hearing instruments without a license or trainee permit as
7 provided in this chapter or who violates section 43-33-13 is guilty of a class B misdemeanor. In
8 addition to the criminal penalties provided, the civil remedy of injunction is available to restrain
9 and enjoin violations of any provisions of this chapter without proof of actual damages
10 sustained by any person.

11 **SECTION 9. AMENDMENT.** Section 43-40-18 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **43-40-18. Penalty - Injunction.** Any person who violates section 43-40-02 ~~and~~
14 ~~subsection 1 of section 43-40-16~~ is guilty of a class B misdemeanor. In addition to the criminal
15 penalty provided, the civil remedy of an injunction is available to restrain and enjoin violations of
16 any provisions of this chapter.

17 **SECTION 10. AMENDMENT.** Section 43-41-14 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **43-41-14. Penalty.** Any person who violates ~~any provision of this chapter~~ subsection 1
20 of section 43-41-04 is guilty of a class B misdemeanor.

21 **SECTION 11. AMENDMENT.** Section 43-42-07 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **43-42-07. Penalty.** Any person who ~~violates this chapter or any rules adopted under~~
24 practices polysomnography or respiratory care in violation of this chapter is guilty of an
25 infraction.

26 **SECTION 12. AMENDMENT.** Section 43-45-08 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **43-45-08. Penalty.** Any person who violates ~~this chapter~~ subsection 1 of section
29 43-45-05.2 is guilty of a class B misdemeanor.

30 **SECTION 13. AMENDMENT.** Section 43-48-16 of the North Dakota Century Code is
31 amended and reenacted as follows:

- 1 **43-48-16. Penalty.** Any person who violates ~~any provisions of this chapter~~ section
2 43-48-02 is guilty of a class B misdemeanor.
- 3 **SECTION 14. REPEAL.** Section 43-41-13 of the North Dakota Century Code is
4 repealed.