

**HOUSE BILL NO. 1150**

Introduced by

Representatives Heilman, Hoverson, J. Johnson, Meier, Schatz

Senators Clemens, Luick

1 A BILL for an Act to create and enact three new sections to chapter 12.1-30 of the North Dakota  
2 Century Code, relating to Sunday closing laws; to amend and reenact section 12.1-30-04 of the  
3 North Dakota Century Code, relating to Sunday closing laws and retail agreements; and to  
4 provide a penalty.

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

6 **SECTION 1.** A new section to chapter 12.1-30 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Business or labor on Sunday - Exemptions - Classification of offenses.**

9 1. Except as otherwise provided in sections 2 and 3 of this Act, it is a class B  
10 misdemeanor for any person between the hours of twelve midnight and twelve noon  
11 on Sunday to:

12 a. Engage in or conduct business or labor for profit in the usual manner and  
13 location.

14 b. Operate a place of business open to the public.

15 c. Authorize or direct that person's employees or agents to take action prohibited  
16 under this section.

17 2. The prohibition in subsection 1 does not apply to a person who in good faith observes  
18 a day other than Sunday as the Sabbath, if that person refrains from engaging in or  
19 conducting business or labor for profit and closes the place of business to the public  
20 between the hours of twelve midnight and twelve noon on the day observed as the  
21 Sabbath.

22 3. The attorney general, a state's attorney, a mayor, a city manager, or a city attorney  
23 may petition a district court, for the district where a violation is occurring, to enjoin a  
24 violation in this section.

1       **SECTION 2.** A new section to chapter 12.1-30 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Items prohibited from sale or rental on Sundays.**

4       Except for items sold at hobby shows, craft shows, fairs, exhibits, occasional rummage  
5 sales, including garage sales or other sales for which a sales tax permit is not required, and  
6 tourist attractions that derive at least fifty percent of the attraction's annual gross sales from  
7 seasonal or tourist customers, the sale or rental of any of the following items between the hours  
8 of twelve midnight and twelve noon on Sunday is prohibited:

- 9       1. Clothing other than work gloves and infant supplies.
- 10      2. Clothing accessories.
- 11      3. Wearing apparel other than that sold to a transient traveler under emergency  
12       conditions.
- 13      4. Footwear.
- 14      5. Headwear.
- 15      6. Home, business, office, or outdoor furniture.
- 16      7. Kitchenware.
- 17      8. Kitchen utensils.
- 18      9. China.
- 19      10. Home appliances.
- 20      11. Stoves.
- 21      12. Refrigerators.
- 22      13. Air conditioners.
- 23      14. Electric fans.
- 24      15. Radios.
- 25      16. Television sets.
- 26      17. Washing machines.
- 27      18. Dryers.
- 28      19. Cameras.
- 29      20. Hardware other than emergency plumbing, heating, cooling, or electrical repair or  
30       replacement parts and equipment.
- 31      21. Tools other than manually driven hand tools.

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- 1        22. Jewelry.
- 2        23. Precious or semiprecious stones.
- 3        24. Silverware.
- 4        25. Watches.
- 5        26. Clocks.
- 6        27. Luggage.
- 7        28. Motor vehicles other than the daily rental of vehicles by businesses whose sole activity
- 8            is automobile rental.
- 9        29. Musical instruments.
- 10       30. The sale of aural or video recordings, records, or tapes. Rental of these items is
- 11            permitted.
- 12       31. Toys other than those customarily sold as novelties or souvenirs.
- 13       32. Mattresses.
- 14       33. Bed coverings.
- 15       34. Household linens.
- 16       35. Floor coverings.
- 17       36. Lamps.
- 18       37. Draperies.
- 19       38. Blinds.
- 20       39. Curtains.
- 21       40. Mirrors.
- 22       41. Cloth piece goods.
- 23       42. Lawnmowers.
- 24       43. Sporting or recreational goods other than those sold or rented on the premises where
- 25            sports or recreational activities are conducted.
- 26       44. Paint and building and lumber supplies.
- 27        **SECTION 3.** A new section to chapter 12.1-30 of the North Dakota Century Code is created
- 28        and enacted as follows:

1        **Businesses allowed to operate on Sunday - Limitations.**

2        Subject to the limitations of this section and section 2 of this Act, a business specified in this  
3 section may operate in the business's usual manner, location, and for its usual purpose. The  
4 businesses authorized under this section to operate on Sunday include:

5        1. Restaurants, cafeterias, or other prepared food service organizations.

6        2. Hotels, motels, and other lodging facilities.

7        3. Hospitals and nursing homes, including the sale of giftware on the premises.

8        4. Dispensaries of drugs and medicines.

9        5. Ambulance and burial services.

10       6. Generation and distribution of electric power, water, steam, natural gas, oil, or other  
11 fuel used as a necessary utility.

12       7. Distribution of gas, oil, and other fuels.

13       8. Telephone, telegraph, and messenger services.

14       9. Heating, refrigeration, and cooling services.

15       10. Railroad, bus, trolley, subway, taxi, and limousine services.

16       11. Water, air, and land transportation services and attendant facilities.

17       12. Cold storage warehouse.

18       13. Ice manufacturing and distribution facilities and services.

19       14. Minimal maintenance of equipment and machinery.

20       15. Plant and industrial protection services.

21       16. Industries where continuous processing or manufacturing is required by the very  
22 nature of the process involved.

23       17. Newspaper publication and distribution.

24       18. Newsstands.

25       19. Radio and television broadcasting.

26       20. Motion picture, theatrical, and musical performances.

27       21. Motor vehicle service stations that sell motor fuel and motor oil, and which customarily  
28 provide daily repair services or products for any of the following systems or parts of a  
29 motor vehicle:

30       a. Air-conditioning system.

31       b. Batteries.

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- 1           c. Electrical system.
- 2           d. Engine cooling system.
- 3           e. Exhaust system.
- 4           f. Fuel system.
- 5           g. Tires and tubes.
- 6           h. Emergency work necessary for the safe and lawful operation of the motor
- 7                 vehicle.
- 8       22. Athletic and sports events.
- 9       23. Parks, beaches, and recreational facilities.
- 10      24. Scenic, historic, and tourist attractions.
- 11      25. Amusement centers, fairs, zoos, and museums.
- 12      26. Libraries.
- 13      27. Educational lectures, forums, and exhibits.
- 14      28. Service organizations including the USO and YMCA.
- 15      29. Coin-operated laundry and drycleaning facilities.
- 16      30. Food storage operated by an owner or manager in addition to not more than six
- 17                 employees working in the store at one time on Sunday; however, the governing body
- 18                 of a city or county may, by ordinance, increase the number of employees allowed to
- 19                 work in a store at one time on a Sunday.
- 20      31. Bait shops for the sale of live bait and fishing tackle.
- 21      32. Floral nurseries.
- 22      33. Christmas tree stands.
- 23      34. Hobby shows, craft shows, fairs, and exhibits.
- 24      35. Occasional rummage sales, including garage sales or other sales for which a sales tax
- 25                 permit is not required.
- 26      36. Community festivals licensed or authorized by the governing body of a city or the
- 27                 board of county commissioners.
- 28      37. Premises licensed to dispense beer and alcoholic beverages within the limits
- 29                 prescribed in section 5-02-05.
- 30      38. Credit approval services, lodging and travel reservation services, and telemarketing of
- 31                 goods and services.

1       39. Bingo halls and onsite food concessions between the hours of twelve midnight and  
2           one a.m. and within the hours permitted under section 1 of this Act.

3       **SECTION 4. AMENDMENT.** Section 12.1-30-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5       **12.1-30-04. Retail business leases or agreements - Penalty.**

6       A retail business may not be required to be open on Sunday as a part of a lease agreement,  
7 franchise agreement, or any other contractual arrangement ~~entered and executed before~~  
8 ~~January 1, 2019~~. A violation of this section is a class A misdemeanor.