

# DOMESTIC RELATIONS AND PERSONS

## CHAPTER 120

HOUSE BILL NO. 1420  
(Hilleboe)

### EIGHTEEN-YEAR-OLDS

AN ACT to amend and reenact subsection 11 of section 4-22-02, the beginning paragraphs of subsections 1, 2, and 3 of section 10-04-10, section 10-19-52, subsection 1 of section 10-28-20, sections 12-46-13, 12-46-16, 14-03-02, subsection 1 of section 14-03-17, sections 14-07-15, 14-09-22, 14-10-01, 14-10-05, 14-10-11, 14-10-16, subsection 16 of section 15-29-08, sections 15-44-04, 15-47-13, 16-16-18, 23-17-02, 23-17-03, 26-12-20, 27-11-03, 27-11-25, 27-19-02, 27-19-11, subsection 1 of section 27-20-02, subsection 5 of section 27-20-36, subsection 4 of section 27-20-53, sections 27-21-02, 28-01-14, 28-01-25, 29-01-28, 30-11-01, 32-03-39, 39-03-04, 39-06-08, 39-06-09, 39-06-10, 43-02-10, 43-04-31, 43-04-38, 43-05-11, subsection 6 of section 43-11-01, the first sentence of subsection 1 of section 43-11-27, sections 43-13-17, 43-15-15, 43-15-33, 43-17-18, 43-19.1-16, 43-25-07, 43-26-06, 43-30-05, 43-31-07, 43-33-05, 43-33-07, 43-34-03, subsections 1 and 13 of section 47-24-01, subsection 1 of section 50-02-04, section 54-52-05, and subsection 2 of section 54-52-01 of the North Dakota Century Code, relating to persons eighteen years old and over, and making them adults for all purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 11 of section 4-22-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. "Qualified elector" means every person of the age of eighteen or upwards who is a citizen of the United States and who shall have resided in the state and in the precinct thirty days next preceding any election.

SECTION 2. AMENDMENT.) The beginning paragraphs of subsections 1, 2, and 3 of section 10-04-10 of the 1971 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. DEALERS. Application for registration as a dealer may be made by any person eighteen years of age or older. Such application for registration shall be made in

writing in a form prescribed by the commissioner, shall be signed by the applicant, duly verified by oath, shall be filed in the office of the commissioner, and shall contain the following information:

2. **SALESMEN.** Application for registration as a salesman may be made by any individual eighteen years of age or older. Such application for registration shall be made in writing in a form prescribed by the commissioner, shall be signed by the applicant and by the registered dealer or issuer employing or proposing to employ such applicant, duly verified by oath, shall be filed in the office of the commissioner and shall contain the following information:
3. **INVESTMENT COUNSEL.** No person, partnership, corporation, or association shall offer for sale or sell any investment service in this state except as provided by the provisions of this subsection. Application for registration as an investment counsel may be made by any person eighteen years of age or older. Such application for registration shall be made in writing in a form prescribed by the commissioner, shall be signed by the applicant, duly verified by oath and shall be filed in the office of the commissioner and shall contain the following information:

**SECTION 3. AMENDMENT.)** Section 10-19-52 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**10-19-52. INCORPORATORS.)** Three or more natural persons of the age of eighteen years or more, may act as incorporators of a corporation by signing, verifying, and delivering in duplicate to the secretary of state articles of incorporation for such corporation.

**SECTION 4. AMENDMENT.)** Subsection 1 of section 10-28-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Receive into its hands and under its control, and may become the legal guardian of, any minor committed as a delinquent, dependent, or neglected child to its guardianship by a court of competent jurisdiction;

**SECTION 5. AMENDMENT.)** Section 12-46-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-46-13. WHO MAY BE SENT TO STATE TRAINING SCHOOL - COURT PROCEDURE.)** Whenever a person under the age of eighteen years is found guilty in any district court or county court with increased jurisdiction of a crime or public offense, other than murder, the court instead of entering judgment against such person, if in its judgment the accused is a proper subject therefor, may direct an

order entered in the minutes of the court that such person be committed to the state training school until such person attains the age of eighteen years. If the person so committed is of such age that he will not have been incarcerated for at least two years upon the date of his eighteenth birthday, the court's order may extend the commitment beyond such eighteenth birthday, but the entire commitment in such case shall not exceed a period of two years. Persons over the age of eighteen but under the age of twenty-one may be detained at the training school to complete their schooling upon written authorization of the director of institutions.

SECTION 6. AMENDMENT.) Section 12-46-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-46-16. PERSON COMMITTED OR SENTENCED TO STATE TRAINING SCHOOL A MINOR UNTIL EIGHTEEN.) In all cases where, under the laws of this state, the judge of a district court or a county court with increased jurisdiction is authorized to commit a person to the state training school, either when such a person has been found guilty of a crime or public offense or when such person is brought before the court as a dependent, neglected, or delinquent child, during the minority of such person, the person committed, regardless of sex, shall be deemed a minor until the age of eighteen years is reached.

SECTION 7. AMENDMENT.) Section 14-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-02. LAWFUL AGE FOR MARRIAGE.) Any unmarried male of the age of eighteen years or upwards, and any unmarried female of the age of fifteen years or upwards, and not otherwise disqualified, are capable of consenting to and consummating a marriage. If the male or the female is under the age of eighteen years, a marriage license shall not be issued without the consent of the parents or guardian, if there are any.

SECTION 8. AMENDMENT.) Subsection 1 of section 14-03-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. An affidavit of some disinterested, credible person showing that the female and the male are over the age of eighteen years. If the female or the male is under the age of eighteen years, the county judge shall require the consent of the parents or guardian, if any, to be given personally, or by a certificate of consent signed by such parents or guardian under oath, and sworn to before a notary public or other officer qualified by law to administer oaths;

SECTION 9. AMENDMENT.) Section 14-07-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-07-15. ABANDONMENT OR NONSUPPORT OF CHILD.) Every parent or other person legally responsible for the care or support of a child who is unable to support himself by lawful employment, who wholly abandons such child or willfully fails to furnish food, shelter, clothing, and medical attention reasonably necessary and sufficient to keep the child's life from danger and discomfort and his health from injury is guilty of a felony.

Any food, shelter, clothing, or medical attentions, furnished by or through a welfare or charitable program of any governmental agency, civic or religious organization, or a combination thereof, or any intervening third party, on the basis of need, shall not avoid, excuse, relieve, or discharge, either parent, or person legally responsible for care and support of a child, from the criminal penalty for the willful failure or neglect to provide such support.

Neither shall a parent be relieved, excused, or discharged from such responsibility and criminal penalty provided for herein, for the willful neglect or failure to provide such care and support, if the other parent is providing the child with care and support to the best of his or her ability, but where such care and support is not sufficient to keep the child's life from danger and discomfort, or its health from injury.

The fact, if it is a fact, that either parent may have secured a decree of divorce awarding the custody of such child, in no manner shall relieve either parent from the requirements and penalty of this section, except that compliance with the terms of such decree for support of such child shall be deemed a compliance herewith; provided, however, that if the parent or other person legally responsible for the care or support of a child who is under the age of eighteen years and unable to support himself, as hereinbefore provided, while in another state, and while such minor child is in this state, willfully and intentionally fails to furnish food, clothing, shelter, and medical attention as herein provided, such failure shall nevertheless be construed to have been committed in this state, and all of the laws of this state with reference to punishment shall apply with the same force and effect as if such abandonment and failure to support had occurred in this state.

SECTION 10. AMENDMENT.) Section 14-09-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-09-22. NEGLECT OF CHILD - PENALTY.) A parent, guardian, or other custodian of any child who shall cruelly abuse or willfully neglect or refuse to provide subsistence, education, or other necessary care for the health, morals, or well-being of such child, or who shall knowingly and willfully permit and allow any such child to be in a disreputable place or associate with vagrants, vicious or immoral persons, or engage in an occupation forbidden by the laws of North Dakota, or to engage in an occupation injurious to his health or morals or to the health or morals of others, or any such parent, guardian, or custodian who, in the supervision and

control of such child, shall fail to exercise reasonable diligence in preventing such child from being in a disreputable place or from associating with vagrants, vicious or immoral persons, or from engaging in an occupation forbidden by the laws of North Dakota, or from engaging in any occupation injurious to his health or morals or to the health and morals of others shall be guilty of a misdemeanor. When it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, the court shall have power after conviction or after plea of guilty for the violation of this section to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as the court may deem best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation or may change the period of probation. The period of probation, together with any extension, shall not exceed two years.

SECTION 11. AMENDMENT.) Section 14-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-01. "MINORS" DEFINED.) Minors are persons under eighteen years of age. In this Code, unless otherwise specified, the term "child" shall mean "minor". Age shall be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority.

SECTION 12. AMENDMENT.) Section 14-10-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-05. ASSIGNMENT OF CHILDREN PROHIBITED - PENALTY.) No person, partnership, voluntary association, or corporation, other than the parents or relatives of a child, may assume the permanent care and custody of a child, unless authorized so to do by an order or decree of a court having jurisdiction. No parent shall assign or otherwise transfer his rights or duties with respect to the care and custody of his child. Any such transfer or assignment, written or otherwise, shall be void. This section shall not affect the right of the parent to consent in writing to the legal adoption of his child, but such written consent shall not operate to transfer any right in the child in the absence of a decree by a court having jurisdiction. Any person who violates the provisions of this section is guilty of a misdemeanor.

SECTION 13. AMENDMENT.) Section 14-10-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-11. MINOR'S CONTRACTS - DISAFFIRMATION.) In all cases other than those specified in sections 14-10-12 and 14-10-13, the contract of a minor may be disaffirmed by the minor himself, either before his majority or within one year's time afterwards, or in case

of his death within that period, by his heirs or personal representatives.

SECTION 14. AMENDMENT.) Section 14-10-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-16. BIRTHDAY CARDS - APPLICATION - MISREPRESENTATION OF AGE - PENALTY.) Every person who attains the age of eighteen years may apply to the clerk of the district court of the county in which the person resides or is temporarily located, on a form provided by the clerk of the district court, for an eighteenth birthday card, which shall be accompanied with a photograph of the applicant. The applicant shall present with the application his birth certificate or other satisfactory evidence that he is eighteen years of age, and shall pay a fee of one dollar and fifty cents, to be deposited in the county general fund. The clerk shall file the application and issue the card to the applicant in a form prescribed by the clerk. The applicant shall sign the card with his name, and the card shall thereafter be exhibited upon demand of a licensee, employee, or other person selling, giving, or disposing of alcoholic beverages or of any peace officer. Any misrepresentation of age or other deceit practiced in the procurement of a card, or the use or exhibition for the purpose of procuring alcoholic beverages of a card belonging to a person other than the person exhibiting the card, is a misdemeanor.

SECTION 15. AMENDMENT.) Subsection 16 of section 15-29-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16. To cause an enumeration to be made, between the first and thirty-first days of May in each odd-numbered year, of all persons under eighteen years of age within the school district, and to return the same to the county superintendent of schools.

SECTION 16. AMENDMENT.) Section 15-44-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-44-04. APPORTIONMENT OF STATE TUITION FUNDS BY COUNTY SUPERINTENDENT OF SCHOOLS - NOTICE OF APPORTIONMENT - PAYMENT.) Not less than twenty days nor more than thirty days after receiving the certificate of apportionment from the superintendent of public instruction, the county superintendent of schools shall apportion the state tuition fund to the several school districts which are entitled to any portion of such fund in proportion to the number of children residing in each district over six years of age and under eighteen years of age as appears from the enumeration upon which the superintendent of public instruction made the apportionment to the several counties. He shall notify each school district treasurer immediately of the amount of tuition fund in the county treasury due the district and shall certify to the county treasurer and to the county auditor the amount due each school district. The county treasurer shall deliver to the several school district



I, \_\_\_\_\_, do solemnly swear that:

1. I am a citizen of the United States.

2. Before becoming a resident of this state, I resided at \_\_\_\_\_ street, in the (town) (township) (city) of \_\_\_\_\_, county of \_\_\_\_\_ in the state of \_\_\_\_\_.

3. On the day of the next presidential election, I shall be at least eighteen years of age. I have been a resident of this state since the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, now residing at \_\_\_\_\_ street, in the (town) (township) (city) of \_\_\_\_\_, county of \_\_\_\_\_ in the state of North Dakota.

4. I have resided in North Dakota for less than one year. I believe I am entitled under the laws of this state to vote at the presidential election to be held on the \_\_\_\_\_ day of November, 19\_\_\_\_.

5. I hereby make application for a presidential and vice presidential ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed \_\_\_\_\_  
(Applicant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed \_\_\_\_\_  
(Title and name of officer authorized  
to administer oaths)

SECTION 19. AMENDMENT.) Section 23-17-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17-02. EXISTING HOSPITALS, INSTITUTIONS, TO OBTAIN LICENSES.) No person, partnership, association, or corporation may continue to operate an existing chiropractic hospital, sanatorium, or related institution, or open a chiropractic hospital, sanatorium, or related institution, after January 1, 1948, unless such operation shall have been approved by the national council of chiropractic hospitals and sanatoriums, and regularly licensed by the state board of chiropractic examiners as provided hereinafter. Before a license shall be issued under this chapter, the person applying shall submit evidence satisfactory to the chiropractic board of examiners that he is not less than eighteen years of age and of reputable and responsible character; in the event the applicant is an association or corporation, like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall in addition, submit satisfactory evidence of their ability to comply with the minimum standards of this chapter and all regulations adopted thereunder.



SECTION 20. AMENDMENT.) Section 23-17-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17-03. APPLICATION FOR LICENSES.) Any person, partnership, association, or corporation desiring a license hereunder shall file with the state chiropractic board of examiners a verified application containing the name of the applicant desiring the license; whether such person so applying is eighteen years of age; the type of institution to be operated; the location thereof; the name of the person or persons in charge thereof, and if they have met the minimum standards set by the national council of chiropractic hospitals and sanatoriums and such other information as the state board of chiropractic examiners may require. Application on behalf of a corporation or association shall be made by any two officers thereof or by its managing agents.

SECTION 21. AMENDMENT.) Section 26-12-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-12-20. QUALIFICATIONS FOR MEMBERSHIP.) Any fraternal benefit society may admit to beneficial membership any person not less than fifteen years of age, nearest birthday, who has been examined by a legally qualified physician and whose examination has been supervised and approved in accordance with the laws of the society, or who has made declaration of insurability acceptable to the society. Any such member who shall apply for additional benefits more than six months after becoming a beneficial member shall pass an additional medical examination, or make an additional declaration of insurability, as required by the society.

Any person admitted prior to attaining the full age of eighteen years shall be bound by the terms of the application and certificate and by all the laws and rules of the society, and shall be entitled to all the rights and privileges of membership therein, to the same extent as though the age of majority had been attained at the time of application. A society also may accept general or social members who shall have no voice or vote in the management of its insurance affairs.

SECTION 22. AMENDMENT.) Section 27-11-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-11-03. QUALIFICATIONS OF APPLICANTS FOR ADMISSION TO PRACTICE LAW.) No person shall be admitted to practice as an attorney and counselor at law in this state unless he is a resident of this state, at least eighteen years of age, of good moral character, and has prepared himself for the practice of law by complying with either of the following educational qualifications:

1. Three full calendar years of study of law in the office of a member of the bar of this state residing therein and in regular practice, or with and under the immediate direction of a judge of the supreme court,

district court, or county court of increased jurisdiction of this state, and two years of college work from a reputable college or university in the United States. No person shall be deemed qualified for admission by reason of compliance with this section if his study of the law shall commence after January 1, 1966. Any attorney in this state with whom a student shall commence a course of legal study shall file a certificate to that effect in the office of the clerk of the supreme court prior to January 1, 1966. Such certificate shall state the time when such legal study commenced and the proposed course of study to be pursued. Such period shall be deemed to commence from the time of filing the certificate, and shall be computed by the calendar year. Application for admission to practice under this section must be made prior to August 1, 1970; or

2. Completion of three years of study leading to an acceptable college degree prior to beginning a three-year, full-time or equivalent part-time course in law school, or completion of two full years of such study prior to beginning a four-year, full-time or equivalent part-time course in law resulting in a bachelor of law or equivalent degree from an approved law school prior to making application for admission. An approved law school within the meaning of this rule shall be such law school as is or may become approved by the section of legal education and admission to the bar of the American bar association.

This rule does not apply to applicants for admission to practice law under the provisions of section 27-11-25.

SECTION 23. AMENDMENT.) Section 27-11-25 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-11-25. ATTORNEYS ADMITTED IN OTHER STATES ADMITTED WITHOUT EXAMINATION.) At the discretion of the supreme court of this state, any person may be admitted to the bar of this state without examination upon satisfactory proof that he:

1. Is a resident of this state.
2. Is at least eighteen years of age.
3. Is of good moral character.
4. Has been admitted to the bar of some other state, territory, or the District of Columbia.
5. Has practiced law in such state, territory, or in the District of Columbia for not less than five years.
6. Has made payment of fees as required by the provisions

of section 27-11-17.

SECTION 24. AMENDMENT.) Section 27-19-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-19-02. METHOD OF ACCEPTANCE.) Acceptance of jurisdiction may be by either of the following methods:

1. Upon petition of a majority of the enrolled residents of a reservation who are eighteen years of age or older; or
2. The affirmative vote of the majority of the enrolled residents voting who are eighteen years of age or older, at an election called and supervised by the North Dakota Indian affairs commission upon petition of fifteen percent of those eligible to vote at such an election.

SECTION 25. AMENDMENT.) Section 27-19-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-19-11. PETITION FOR WITHDRAWAL.) Civil jurisdiction as herein provided over an Indian reservation may be terminated by petition of three-fourths of the enrolled residents of a reservation who are eighteen years of age or older. Such petition shall be filed with the North Dakota Indian affairs commission.

SECTION 26. AMENDMENT.) Subsection 1 of section 27-20-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Child" means an individual who is:
  - a. Under the age of eighteen years, and not married or not a member of the armed services;
  - b. Over the age of eighteen years who committed an act of delinquency while a child.

SECTION 27. AMENDMENT.) Subsection 5 of section 27-20-36 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Except as provided in subsection 1 and section 12-46-13 when the child reaches eighteen years of age, all orders affecting him then in force terminate and he is discharged from further obligation or control.

SECTION 28. AMENDMENT.) Subsection 4 of section 27-20-53 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Fingerprints of a child shall be removed from the

file and destroyed if:

- a. A petition alleging delinquency is not filed, or the proceedings are dismissed after either a petition is filed or the case is transferred to the juvenile court as provided in section 27-20-09, or the child is adjudicated not to be a delinquent child; or
- b. The child reaches eighteen years of age and there is no record that he committed a criminal offense after reaching sixteen years of age.

SECTION 29. AMENDMENT.) Section 27-21-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-21-02. STATE YOUTH AUTHORITY - POWERS AND DUTIES.) The state youth authority shall be the administrative agency which shall take custody of delinquent and unruly children committed to its care by the juvenile courts. Upon committing a child to the custody of the state youth authority, the committing judge, the juvenile supervisor, law enforcement officers, and other public officials shall make available to the state youth authority all pertinent data in their possession with respect to the child. Upon taking custody of a child, the state youth authority shall process the child through such diagnostic testing and evaluation programs as may be necessary to determine his disposition in his best interest and in the best interest of the state. In doing so, the state youth authority may utilize the psychological, psychiatric, vocational, medical, and other diagnostic and testing services that are available, examine all the pertinent circumstances, and review the reasons for his commitment. Upon completion of the diagnostic testing and evaluation program, the state youth authority shall make disposition of the child as follows:

1. Place him in the custody of his parent, guardian, or in a foster home or suitable private institution licensed by the state for the care of children;
2. Place him in the custody of the state industrial school or in a vocational, training, or similar institution for children or young adults within this state; or
3. Place him in the custody of a vocational, training, or similar institution for children or young adults in another state in the event that adequate facilities for his treatment and rehabilitation are not available within this state and the committing judge concurs in the placement.

Subject to the authority of the committing court and the Uniform Juvenile Court Act, the state youth authority shall retain jurisdiction of the child until he reaches the age of eighteen years, and may change placement of the child at any time it appears to be in his best interest and in the best interest of the state.

SECTION 30. AMENDMENT.) Section 28-01-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-01-14. DISABILITIES EXTEND LIMITATIONS ON ACTIONS AFFECTING REAL ESTATE.) If a person who is entitled to maintain any of the actions affecting real estate mentioned in this chapter, or entitled to interpose a defense or counterclaim to such an action, or entitled to make an entry upon real property is:

1. Under the age of eighteen years;
2. Insane; or
3. Imprisoned on a criminal charge, or in execution upon conviction of a criminal offense for a term less than for life,

at the time his title first descends or his cause of action or right of entry first accrues, or when such defense or counterclaim might be interposed, the time of such disability is not a part of the time in this chapter limited for the commencement of such action, or the making of such entry, or the interposing of such defense or counterclaim. However, the time so limited cannot be extended more than ten years after the disability ceases or after the death of the person so disabled.

SECTION 31. AMENDMENT.) Section 28-01-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-01-25. DISABILITIES EXTEND LIMITATIONS ON ACTIONS GENERALLY - EXCEPTIONS.) If a person who is entitled to bring an action other than for the recovery of real property, or for a penalty or forfeiture, or against a sheriff or other officer for an escape is:

1. Under the age of eighteen years;
2. Insane; or
3. Imprisoned on a criminal charge or in execution under the sentence of a criminal court for a term less than for life,

at the time the cause of action accrues, the time of such disability is not a part of the time limited for the commencement of the action. However, the period within which the action must be brought cannot be extended more than five years by any such disability except infancy, nor can it be extended in any case longer than one year after the disability ceases.

SECTION 32. AMENDMENT.) Section 29-01-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-01-28. SPECTATORS EXCLUDED FROM TRIAL OF MINORS.) At the trial of a minor charged with any crime, the judge, prior to

the bringing of the minor into the courtroom, shall clear the same of all persons, except officers of the court, attorneys, witnesses, and relatives.

SECTION 33. AMENDMENT.) Section 30-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 30-11-01. EXECUTOR, ADMINISTRATOR, AND GUARDIAN - PERSONS NOT COMPETENT.) A person is not competent to serve as an executor or administrator or as a guardian, if he:

1. Is a minor;
2. Is incapable by law of making a contract;
3. Has been convicted of a felony;
4. Is found by the court to be unfit to discharge the duties of his trust by reason of drunkenness, improvidence, mental or physical infirmity, or lack of integrity.

The husband of the widow of a decedent is not competent to serve as the guardian of such decedent's minor children.

SECTION 34. AMENDMENT.) Section 32-03-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-03-39. PARENTAL RESPONSIBILITY FOR MINOR CHILDREN - RECOVERY LIMITATIONS.) Any municipal corporation, county, township, school district, or department of the state of North Dakota, or any person, partnership, corporation, association, or religious organization, whether incorporated or unincorporated, shall be entitled to recover damages in a civil action in an amount not to exceed three hundred dollars in a court of competent jurisdiction from the parents of any minor, living with a parent, who shall maliciously or willfully destroy property, real, personal or mixed, belonging to such municipal corporation, county, township, school district, or department of the state of North Dakota, or person, partnership, corporation, association, or religious organization.

Recovery shall be limited to actual damages in an amount not to exceed three hundred dollars, in addition to taxable court costs.

SECTION 35. AMENDMENT.) Section 39-03-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03-04. QUALIFICATIONS OF PATROLMEN - VETERANS HAVE PREFERENCE.) No person shall be appointed as a patrolman unless he has the following qualifications:

\*NOTE: Section 30-11-01 was repealed effective July 1, 1975, by section 82 of House Bill No. 1040, chapter 257.

1. Is not less than eighteen and not more than thirty-three years of age on the date of his appointment;
2. Has passed such physical examination and such other qualification test as may be required by the superintendent;
3. Is of good moral character and temperate habits; and
4. Has been a citizen of the United States for not less than two years prior to his appointment.

Preference for appointment shall be given at all times to honorably discharged veterans and citizens of the state of North Dakota, and all appointments shall be made without regard to any political party affiliation of the applicant.

SECTION 36. AMENDMENT.) Section 39-06-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-08. APPLICATION OF MINORS.) The application of any minor for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by the father, mother, or guardian, or, in the event there is no parent or guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor.

SECTION 37. AMENDMENT.) Section 39-06-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-09. LIABILITY FOR NEGLIGENCE OF MINOR - GENERAL.) Any negligence of a minor when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence, except as otherwise provided in section 39-06-10.

SECTION 38. AMENDMENT.) Section 39-06-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-10. LIABILITY FOR NEGLIGENCE OF MINOR - PROOF OF FINANCIAL RESPONSIBILITY.) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the commissioner may accept the application of such minor.

SECTION 39. AMENDMENT.) Section 43-02-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-02-10. QUALIFICATIONS FOR CERTIFICATE TO PRACTICE AS CERTIFIED PUBLIC ACCOUNTANT.) The board shall issue a certificate to practice as a certified public accountant to any person who:

1. Is, or in good faith has declared his intention to become, a citizen of the United States;
2. Has been a resident of North Dakota since one year prior to his application for examination;
3. Is eighteen years of age or over;
4. Is of good moral character;
5. Has had at least four years of public accounting experience on his own account or in the office of a certified public accountant in active practice, or is a graduate of a college or university of recognized standing; and
6. Has passed a satisfactory examination.

SECTION 40. AMENDMENT.) Section 43-04-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-04-31. QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBER.) A person is qualified to receive a certificate of registration to practice barbering if he:

1. Is qualified in accordance with the provisions of section 43-04-23;
2. Is at least eighteen years of age;
3. Is of good moral character and temperate habits;
4. Has practiced as a registered apprentice for a period of twenty-four months under the immediate supervision of a registered barber; and
5. Has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

SECTION 41. AMENDMENT.) Section 43-04-38 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-04-38. PERSONS HAVING PRACTICED BARBERING IN ANOTHER STATE - PERMIT TO PRACTICE AS JOURNEYMAN BARBER.) A person shall receive a permit to practice as a journeyman barber if he:

1. Is at least eighteen years of age;
2. Is of good moral character and temperate habits;
3. Has paid the required fee; and



## 4. Either:

- a. Has a license or certificate of registration as a practicing barber from another state which has substantially the requirements for the licensing or registering of barbers prescribed by this chapter; or
- b. Can prove by affidavits that he has practiced as a barber in another state for at least five years immediately prior to making application in this state.

Such permit shall be valid until the holder thereof is called by the board for examination to determine his fitness to receive a certificate of registration to practice barbering. If such person fails to pass the required examination, he shall be allowed to practice as a journeyman barber until he is called by the board for the next examination, and if he fails in such examination, he shall cease to practice barbering in this state.

SECTION 42. AMENDMENT.) Section 43-05-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-05-11. QUALIFICATIONS OF LICENSEE.) An applicant for a license to practice as a doctor of surgical chiropody shall present evidence to the board that he:

1. Is eighteen years of age;
2. Is of goodmoral character;
3. Has such preliminary preparation and education as the rules and regulations of the board require.

An applicant for a license to practice as a doctor of surgical chiropody shall present evidence to the board that he has all the qualifications set forth above for the practice of chiropody and, in addition, he shall present satisfactory evidence to the board that he has a degree of doctor of surgical chiropody from an accredited college of chiropody approved by the bureau of education of the national association of chiropodists.

SECTION 43. AMENDMENT.) Subsection 6 of section 43-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. "Instructor" shall mean any person of the age of eighteen years or more, who is a cosmetologist and who teaches cosmetology or any practices taught in a duly registered school of cosmetology;

SECTION 44. AMENDMENT.) The first sentence of subsection 1 of section 43-11-27 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \*1. No person may be licensed as an instructor in any or

\*NOTE: Subsection 1 of section 43-11-27 was also amended by section 4 of Senate Bill No. 2123, chapter 349.

combination of the practices of cosmetology unless such person shall furnish the board evidence of having attained the age of eighteen years and has a general education equivalent to the completion of four years in high school and shall pay the original instructor's license fee of ten dollars and shall hold a license as a cosmetologist issued pursuant to section 43-11-21 hereof, and in addition:

SECTION 45. AMENDMENT.) Section 43-13-17 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-13-17. APPLICATION FOR EXAMINATION - CONTENTS - EDUCATIONAL REQUIREMENTS - FEE FOR EXAMINATION.) Any person desiring to take the examination for a certificate of registration to practice optometry in this state shall file with the secretary of the board, at least five days before the date of the examination, a written application for examination. The application shall be accompanied by the affidavits of two freeholders of this state to the effect that the applicant is of good moral character. The applicant also shall furnish satisfactory proof that he:

1. Is at least eighteen years of age;
2. Has attended high school for four years or has the equivalent of such an education; and
3. Is a graduate of a class "A" optometry school or college.

Before beginning the examination, the applicant shall pay to the secretary of the board the sum of forty dollars.

SECTION 46. AMENDMENT.) Section 43-15-15 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 43-15-15. QUALIFICATIONS OF REGISTERED PHARMACIST.) Every applicant for registration as a pharmacist in this state shall have the following qualifications:

1. Be at least eighteen years of age;
2. Be of good moral character; and
3. Be a graduate of a school or college of pharmacy recognized by the board as an approved school.

Before a certificate will be granted by the North Dakota board of pharmacy, the applicant must have at least one year of practical experience in a retail pharmacy under the supervision of a registered pharmacist, which experience shall be predominantly work directly relating to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, keeping records, and making reports required under the state and federal statutes. Any employment of the applicant prior to his completion

\*NOTE: Section 43-15-15 was also amended by section 1 of Senate Bill No. 2145, chapter 350.

of the first year of study in a college of pharmacy or its equivalent shall not be applied in computing the fulfillment of this requirement. The board may determine what is to be considered an approved school or college of pharmacy but to be approved the school or college shall maintain standards equivalent to the requirements for membership in the American association of colleges of pharmacy. The applicant must file with the board satisfactory evidence of the educational requirement and the requirement as to experience.

SECTION 47. AMENDMENT.) Section 43-15-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-33. LICENSE TO SELL EMERGENCY MEDICINES.) Any person of good moral character over eighteen years of age, who conducts a retail business at a place more than five miles from a drugstore employing a registered pharmacist, may procure from the board, upon application and payment to said board of a fee of three dollars annually, a license which shall permit such retailer to keep for sale, and to sell in original packages, the simple household remedies and such other emergency medicines and poisons as from time to time may be approved for such sale by the board. Such license shall be for a period of one year commencing on July first and ending on June thirtieth following the date of the application. It shall apply to the location for which it is issued and shall be posted in a conspicuous place at such location. Upon satisfactory proof to the board of any violation of any law of the state by the licensee in or upon the premises licensed, the board shall revoke the license. The board, from time to time, may add to or eliminate from the approved list of simple household remedies, emergency medicines, and poisons salable under the license. Notice of the alterations shall be given by publication in such manner as the board deems proper.

SECTION 48. AMENDMENT.) Section 43-17-18 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-17-18. QUALIFICATIONS OF APPLICANT FOR EXAMINATION.) An applicant for a license to practice medicine shall present evidence satisfactory to the board that he has the following qualifications:

1. That he is at least eighteen years of age;
2. That he is a graduate of some reputable medical or osteopathic college approved by the board; and
3. That he has satisfactorily completed a one-year internship in a hospital approved by the board, or at the discretion of the board that he has completed such postgraduate training or such approved hospital residency training, or any combination thereof, as the board deems equivalent thereto.

SECTION 49. AMENDMENT.) Section 43-19.1-16 of the 1971

Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-19.1-16. REGISTRATION - LAND SURVEYOR.) Any person who shall show, to the satisfaction of the board, that he is a person who is otherwise qualified and is over the age of eighteen years shall be eligible for registration as a land surveyor, if he is:

1. A person holding a certificate of registration to engage in the practice of land surveying issued to him on the basis of a minimum sixteen-hour written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown by his application, which, in the opinion of the board, are equal to or higher than the requirements of this chapter;
2. A graduate from an accredited engineering or surveying curriculum of four years or more, approved by the board, followed by at least four years of land surveying experience, of a character satisfactory to the board; and who shall have passed a written examination of not less than sixteen hours designed to show that he is qualified to practice land surveying;
3. A person having eight years or more of active experience in land surveying, of a character satisfactory to the board, and who shall have passed a written examination of not less than sixteen hours designed to show that he is qualified to practice land surveying; or
4. A person registered as a land surveyor by the state of North Dakota, under the provisions of former chapter 43-24\*, on the thirtieth day of June 1967.

SECTION 50. AMENDMENT.) Section 43-25-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-25-07. REQUISITES FOR EXAMINATION - SUBJECT - MINIMUM PASSING GRADE - FEES.) Any person who shall furnish to the North Dakota board of massage satisfactory proof that he or she is eighteen years of age or more, a high school graduate, a bona fide citizen of the United States and a bona fide resident of the state of North Dakota for at least six months immediately preceding his or her application to take the examination, and of good moral character and temperate habits, and shall make oath that he or she has not been convicted of any offense that would constitute a felony, either in this state or any other state or country, and shall present a diploma or credentials issued by a recognized, approved school of massage or like institution of not less than one thousand hours of study and who passes a reasonable demonstrative, oral and written examination, conducted

by and under the supervision and direction of said board in the art of body massage by hand, or with any mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring, the use of oil rubs, salt glow, hot and cold packs, tub, shower, heat lamps, and similar baths, and shall pay the fees hereinafter specified, which fees shall accompany the application to the secretary-treasurer of the board, shall be entitled to be registered and to be issued a certificate of registration as masseur or masseuse. Minimum requirements for certificate of registration shall be a general average in said examination of seventy-five percent in all subjects involved and not less than fifty percent in any one subject.

Any applicant failing to pass said requirements shall be entitled within six months to a re-examination upon payment of an additional fee of ten dollars, but two such re-examinations shall exhaust the privilege under the original application.

SECTION 51. AMENDMENT.) Section 43-26-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-26-06. APPLICANTS - QUALIFICATIONS - EXAMINATIONS.)

It shall be the duty of the state board of medical examiners with the advice and assistance of the state examining committee to pass upon the qualifications of all applicants for examination and registration, provide for and conduct all examinations, determine the applicants who successfully pass the examination, and duly register such persons. A person who desires to be registered as a physical therapist must have the following qualifications:

1. Be at least eighteen years of age;
2. Be a citizen of the United States of America or have filed a declaration of intention to become a citizen and, having made such declaration of intention, have filed a petition for naturalization within sixty days after becoming eligible to do so;
3. Be of good moral character;
4. Have successfully obtained a high school education or its equivalent, as determined by the board; and
5. Have been graduated by a school of physical therapy approved by the board for training physical therapists.

Application shall be made on a form furnished by the board, for examination for registration as a physical therapist. In determining whether or not such approval shall be given, the board may take into consideration the approval or nonapproval of such schools by the appropriate association, if any, at the time of applicant's graduation, or if graduated prior to 1936, whether or not the school or course was approved by the American physical therapy association, at the time of graduation. The examination shall embrace the following subjects: the applied sciences of

anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy as defined in this chapter, as applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery, medical ethics; and technical procedures in physical therapy as defined in this chapter, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board a fee of twenty-five dollars which shall not be returned if such application is denied.

SECTION 52. AMENDMENT.) Section 43-30-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-30-05. QUALIFICATIONS OF APPLICANT.) A person is qualified to receive a license as a private detective:

1. Who is at least eighteen years of age.
2. Who is a citizen of the United States.
3. Who establishes, to the satisfaction of the attorney general, that he is a person of honesty, truthfulness, and integrity.
4. Who has not been convicted of a felony.
5. Who has filed with the attorney general a bond executed by the applicant and by a reputable surety company to be approved by the attorney general in the penal sum of two thousand five hundred dollars conditioned for the faithful and honest conduct of the business of such applicant, which bond shall be in the form prescribed by the attorney general and shall be taken in the name of the people of the state of North Dakota and shall provide that any person injured by the breach of the conditions of such bond may bring an action on said bond in the name of the people of the state of North Dakota for the use of such person so injured to recover legal damages suffered by reason of such breach; provided, however, that the aggregate liability of the surety for all such damages shall, in no event, exceed the sum of said bond. The surety on such bond shall have a right to cancel such bond upon giving thirty days' notice in writing to the attorney general and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation.
6. Who has passed a satisfactory examination conducted by the attorney general to determine his competency to receive a license as a private detective.

SECTION 53. AMENDMENT.) Section 43-31-07 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-31-07. QUALIFICATIONS OF APPLICANT.) A person is qualified to receive a license as an examiner:

1. Who is at least eighteen years of age.
2. Who is a citizen of the United States.
3. Who establishes that he is a person of honesty, truthfulness, integrity, and moral fitness.
4. Who has not been convicted of a misdemeanor involving moral turpitude or a felony, or who has not been released or discharged under other than honorable conditions from any of the Armed Services of the United States.
5. Who has passed an examination conducted by the attorney general, or under his supervision, to determine his competency to obtain a license to practice as an examiner.
6. Who has satisfactorily completed specialized training deemed acceptable by the attorney general.

SECTION 54. AMENDMENT.) Section 43-33-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-33-05. LICENSE BY EXPERIENCE.) An applicant for a license without examination as a hearing aid dealer and fitter shall:

1. Have been principally engaged as a hearing aid dealer and fitter for a total period of at least two years, within a period of five years immediately prior to the effective date of this chapter.
2. Be a person of good moral character.
3. Be eighteen years of age or older.
4. Be free of contagious or infectious disease.

Method of granting a license by experience shall be terminated six months after July 1, 1969.

SECTION 55. AMENDMENT.) Section 43-33-07 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-33-07. LICENSE BY EXAMINATION.)

1. Applicants who do not meet the experience qualification

on the effective date of this chapter may obtain a license by successfully passing a qualifying examination, provided the applicant:

- a. Be at least eighteen years of age.
  - b. Be of good moral character.
  - c. Has an education equivalent to a four-year course in an accredited high school.
  - d. Is free of contagious or infectious disease.
2. The applicant for license by examination shall appear at a time, place and before such persons as the department may designate, to be examined by means of written and practical tests in order to demonstrate that he is qualified to practice the fitting and sale of hearing aids. The examination administered as directed by the board constituting standards for licensing shall not be conducted in such a manner that college training be required in order to pass the examination. Nothing in this examination shall imply that the applicant shall possess the degree of medical competence normally expected of physicians.
3. The department shall give examinations once a year at a time and place to be designated by the board, and may give more frequent examinations if deemed necessary by the board.

SECTION 56. AMENDMENT.) Section 43-34-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 43-34-03. QUALIFICATIONS FOR LICENSURE.) The board shall have authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators. No license shall be issued to a person as a nursing home administrator unless:

1. He or she is at least eighteen years of age, a citizen of the United States, of good moral character, and of sound physical and mental health;
2. He or she has satisfactorily completed a course of instruction and training prescribed by the board, which course shall be so designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by nursing homes, laws governing the operation of nursing homes and the protection of the interests of patients therein, and the elements of good nursing home administration, or have presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise, and manage a nursing home; and

\*NOTE: Section 43-34-03 was also amended by section 1 of Senate Bill No. 2268, chapter 360.



3. He or she has passed an examination administered by the board and designed to test for competence in the subject matter referred to in subsection 2 hereof.

All persons applying for a license must meet the conditions and requirements as may be prescribed by the board. However, a person meeting the standards of good moral character, sound physical and mental health, and otherwise suitable, and who was a nursing home administrator during all of the calendar year immediately preceding the calendar year in which the state licensing program becomes effective, may be granted a waiver for a period of two years after the effective date of this chapter, or until June 30, 1971, whichever is earlier, to allow the person or persons to meet the conditions or requirements as set by this board.

SECTION 57. AMENDMENT.) Subsections 1 and 13 of section 47-24-01 of the 1971 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. "Adult" is a person who has attained the age of eighteen years;
- \* 13. "Minor" is a person who has not attained the age of eighteen years;

SECTION 58. AMENDMENT.) Subsection 1 of section 50-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Each male person and each unmarried female over the age of eighteen years, who has resided one year continuously in any county in this state, shall be deemed to have residence in such county;

SECTION 59. AMENDMENT.) Section 54-52-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 54-52-05. MEMBERSHIP FEE AND ASSESSMENTS.) Every eligible permanent state, county, city, or noncertified school district employee concurring in the plan shall so state in writing and all future eligible employees shall be participating members. Each member shall pay to the treasurer of the retirement fund a membership fee to be fixed by the retirement board in an amount not exceeding five dollars, which shall be paid into the administrative expense and benefit fund in the case of state employees, to the county administrative expense and benefit fund in the case of county employees, to the city administrative expense and benefit fund in the case of city employees, and to the school district expense and benefit fund in the case of noncertified school district employees. An eligible employee shall be a permanent employee who has been employed by the state, county, city, or school district for five months, has reached age eighteen, and is employed for more than twenty hours per week for more than five months each year.

\*NOTE: Subsection 13 of section 47-24-01 was also amended effective July 1, 1975, by section 49 of House Bill No. 1040, chapter 257.

\*NOTE: Section 54-52-05 was also amended by section 8 of House Bill No. 1049, chapter 246.

Each member shall be assessed and required to pay monthly four percent of the monthly salary or wage paid to him, and such assessment shall be deducted and retained out of such salary in equal monthly installments.

SECTION 60. AMENDMENT.) Subsection 2 of section 54-52-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 2. "Eligible employee" shall mean all permanent employees who meet all of the eligibility requirements set by this chapter and who are eighteen years or more of age, and shall include appointive and elective officials at their sole election;

Approved March 27, 1973

\*NOTE: Subsection 2 of section 54-52-01 was also amended by section 4 of House Bill No. 1049, chapter 246.

## CHAPTER 121

SENATE BILL NO. 2210  
(Page)

## PERFORMANCE OF MARRIAGES

AN ACT to amend and reenact section 14-03-09 of the North Dakota Century Code, relating to who may perform marriages.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-09. WHO MAY SOLEMNIZE MARRIAGES.) Marriages may be solemnized by all judges of courts of record and by all county justices within their respective jurisdictions, by ordained ministers of the gospel and priests of every church, by ministers of the gospel licensed by regular church bodies or denominations and serving as pastors of churches, and by any person authorized by the forms and usages of any church or religious denomination or organization organized or possessing a certificate of authority pursuant to the North Dakota Nonprofit Corporation Act.

Approved March 19, 1973

## CHAPTER 122

HOUSE BILL NO. 1405

(Kretschmar, Lundene, Watkins, Orange)

## REMARRIAGE AND CHILD SUPPORT

AN ACT to create and enact subsection 5 and to amend and reenact subsections 2, 3, and 4 of section 14-03-17 of the North Dakota Century Code, making it mandatory that the county judge cause a copy of the application for marriage license be filed in a prior divorce action where the applicant is under court decree to provide child support or alimony combined with child support, requiring the county judge to secure from the applicants an acknowledgment of any provision for child support or alimony combined with child support contained in a prior divorce decree or judgment, and requiring an affidavit from the clerk of the district court to whom support payments are directed showing that there are no arrears in payment or, in lieu thereof, a waiver of the requirement for such affidavit signed by the district court ordering such child support or alimony combined with child support.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1.) Subsections 2, 3, and 4 of section 14-03-17 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. An affidavit showing whether or not either or both of the parties have been divorced. If a decree of divorce has been granted to either or both of the parties a certified copy of the decree must be filed with the application and if either or both parties are subject to a subsisting order to provide child support or alimony combined with child support pursuant to the provisions of a divorce decree or judgment, the county judge shall cause a copy of the application for license to be filed in such prior divorce action and shall secure from the applicants a signed acknowledgment of any provision for child support or alimony combined with child support contained in such prior divorce decree or judgment. A license shall not be issued if it contravenes any provisions of the decree of divorce;
3. A certificate of a duly licensed physician other than the person seeking the license, showing that

neither of the contracting parties is a person afflicted with syphilis, and reporting any other contagious venereal disease if the physician detects the same;

4. An affidavit of a disinterested, credible person that the applicants are not habitual criminals; and

SECTION 2.) Subsection 5 of section 14-03-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

5. An affidavit of the clerk of the district court to whom child support or alimony combined with child support has been ordered paid pursuant to the provisions of a divorce decree or judgment referred to in subsection 2, showing that there are no arrears in payment of court-ordered child support or alimony combined with child support. The district court ordering such child support or alimony combined with child support may, upon good cause shown, waive in writing the requirement for such affidavit.

Approved March 28, 1973

## CHAPTER 123

HOUSE BILL NO. 1526  
(LaGrave)

REVOCATION OF DECREE OF  
SEPARATE MAINTENANCE

AN ACT to amend and reenact section 14-06-05 of the North Dakota Century Code, relating to revocation of decree of separate maintenance and granting of divorce.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-06-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-06-05. REVOCATION OF DECREE OF SEPARATE MAINTENANCE - DIVORCE GRANTED.) When a decree for separation, forever or for a limited period, shall have been pronounced, it may be revoked at any time thereafter by the judge by whom it was pronounced or by his successor, under such regulations and restrictions as the judge may impose. Application for revocation may be made by either party to the decree. At least ten days' and not more than twenty days' notice of such application must be given to the other party to the decree by service of the moving papers to be used on such application. Service of the moving papers may be made in the same manner as service of a summons in a civil action. If it shall be made to appear on the hearing of such application that the original decree has been in existence and force for more than one year and that reconciliation between the parties to the marriage is improbable, the judge shall revoke the separate maintenance decree and, in lieu thereof, shall render a decree absolutely divorcing the parties, and at the same time may make such final division of the property, or may direct the payment of such alimony, and make such orders with reference to minor children, if any, as justice and the merits of the case and the circumstances of the parties shall warrant.

Approved March 10, 1973

## CHAPTER 124

HOUSE BILL NO. 1113

(Committee on Social Welfare)

(At the request of the Social Service Department)

## SUPPORT PAYMENTS

AN ACT to amend and reenact sections 14-08-07, 14-08-08, and 14-08-09 of the North Dakota Century Code, making it mandatory that all support payments be ordered paid to the clerk of district court, authorizing the district courts to direct payments for child support or alimony combined with child support to the clerk of the district court of the county in which the recipient of such payments resides, empowering the court to transfer proceedings for enforcement of court ordered support duties to such other district court, omitting the requirement of consent for purposes of proceeding with enforcement of support payments, relating to duties of the county welfare board in relation to support payments, and relating to initiation of proceedings for enforcement of support orders.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-08-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-08-07. SUPPORT PAYMENTS - PAYMENT TO COURT - TRANSFER OF PAYMENT TO COURT OF RECIPIENT'S RESIDENCE - TRANSFER OF PROCEEDINGS FOR ENFORCEMENT OF DECREE - PROCEDURES UPON FAILURE TO PAY.)

1. In any action wherein a court decrees that payments for child support or alimony combined with child support be made, the court shall provide in its decree that such payments be paid to the clerk of court as trustee for remittance to the recipient or person or public agency providing support for such recipient. The clerk of court shall maintain records listing the amount of such payments, the date when such payments shall be made, the names and addresses of the parties subject to such decree, and any other information deemed necessary for the proper administration of such decree. The parties subject to the decree shall immediately inform the clerk of court of any change of address or change of any other condition which may affect the proper administration of sections 14-08-07 through 14-08-10. Whenever there is failure to make

the payments as required, the clerk of court shall send notice of the arrears by registered or certified mail to be delivered only to such person ordered to make the support or alimony payments. Upon proof of receipt of such notice, the clerk of court shall, if payment of the entire arrearage has not been made to the clerk after ten days from the date of proof of such receipt of such notice, request the district judge of the judicial district, on a form provided by such judge, to issue a citation for contempt of court against such person who has failed to make such payments and the citation shall be served on such person as provided by the rules of civil procedure.

2. If the recipient is not or ceases to be a resident of the county in which the action was venued, the court of its own motion or on motion of the state's attorney of either the county of venue or the county of the recipient's residence may cause a certified copy of any support order in the action to be transcribed and filed with the clerk of the district court of any county in this state in which the recipient may reside from time to time. Thereafter, the provisions of this section shall apply as if the support order were issued by the district court of the county to which the support order is transcribed. No fee may be charged for transcribing or filing a certified copy of any support order under this section.

SECTION 2. AMENDMENT.) Section 14-08-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-08-08. NOTIFICATION AND DUTIES OF COUNTY WELFARE BOARD.) The clerk of court shall inform the county welfare board of the county wherein the recipient of a support payment made pursuant to section 14-08-07 resides for welfare purposes of the fact that a support decree has been made affecting the parties in question and that support payments are being received. The recipient's county welfare board shall notify the clerk of the court making a support decree in all cases where application is made for welfare assistance by a recipient entitled to support payments pursuant to such decree.

SECTION 3. AMENDMENT.) Section 14-08-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-08-09. AID OF COURT AVAILABLE TO RECIPIENTS OF SUPPORT.) Any person entitled to child support payments pursuant to a court decree may initiate the proceedings set forth in section 14-08-07 upon notification of the clerk of court having jurisdiction in such case if there is a written, signed agreement between the original party litigants to the court action concerning the payment of such support payments which has been incorporated or referred to within the court decree, or an order of the court, issued prior to July 1, 1973, providing for such payments in a manner other than through the clerk of court, and the recipient, in giving the clerk of court a written consent to proceed under the provisions of section 14-08-07, files with the court an affidavit of failure by the ordered party to pay such support.



## CHAPTER 125

HOUSE BILL NO. 1114  
(Committee on Judiciary)

(At the request of the Social Service Department)

## CIVIL REMEDIES FOR CHILD SUPPORT

AN ACT to provide civil remedies for the recovery of care and support provided children under the age of eighteen years and for judicial determination and enforcement of child support obligations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. LIABILITY FOR SUPPORT.) A person legally responsible for the support of a child under the age of eighteen years who is not subject to any subsisting court order for the support of the child and who fails to provide support, subsistence, education or other necessary care for the child, regardless of whether the child is not or was not in destitute circumstances, is liable for the reasonable value of physical and custodial care or support which has been furnished to the child by any person, institution, agency or county welfare board.

SECTION 2. PROCEDURE FOR ACTION.) An obligation for the support of a child under section 1 shall be determined by a civil action. The action may be commenced in the district court of the county wherein the defendant resides, may be found, or has assets subject to attachment, garnishment, or execution.

SECTION 3. SECURITY REQUIRED - ENFORCEMENT REMEDIES.) In order to enforce an obligation for the support of a child under section 1, the court may make suitable provision for the future care or support of the child, require reasonable security for payments required under this Act, and enforce the obligation by attachment, garnishment, or by other appropriate remedies, including proceedings under chapter 14-08 as nearly as may be.

SECTION 4. DUTY OF STATE'S ATTORNEY.) Upon request of the county welfare board director or the executive director of the social service board of North Dakota, the state's attorney of any county furnishing public assistance or poor relief shall commence any appropriate action or proceeding under section 2 and 3, in which case fees for filing and service of process may not be charged or collected.

Approved March 10, 1973

## CHAPTER 126

HOUSE BILL NO. 1080  
(Eagles, Watkins)

MINORS CONTRACTING FOR  
MEDICAL TREATMENT

AN ACT to amend and reenact section 14-10-17 of the North Dakota Century Code relating to minors contracting for medical treatment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-10-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-17. MINORS - TREATMENT FOR VENEREAL DISEASE - DRUG ABUSE.) Any person of the age of fourteen years or older may contract for and receive examination, care, or treatment for venereal disease or drug abuse without permission, authority, or consent of a parent or guardian.

Approved February 25, 1973