

HOUSE BILL NO. 1131
with Senate Amendments

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1131

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota
2 Century Code, relating to alcoholic beverage sales; to amend and reenact subdivisions b and e
3 of subsection 4 of section 39-08-01 and section 39-08-01.3 of the North Dakota Century Code,
4 relating to the penalties for operating a vehicle while under the influence of intoxicating liquor or
5 drugs; to provide a penalty; and to declare an emergency.

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

7 **SECTION 1.** A new section to chapter 5-02 of the North Dakota Century Code is
8 created and enacted as follows:

9 **Prohibition on roving sales.** An on-sale licensee shall keep, display, and store
10 containers of distilled spirits in an area from which the public is excluded and, before a request
11 to purchase a particular distilled spirit by a customer, may not move a distilled spirit into an area
12 in which the public is allowed, unless the movement is neither part of nor intended to promote
13 the sale of the distilled spirit.

14 **SECTION 2. AMENDMENT.** Subdivisions b and e of subsection 4 of section 39-08-01
15 of the North Dakota Century Code are amended and reenacted as follows:

- 16 b. For a second offense within five years, the sentence must include at least ~~four~~
17 five days' imprisonment of which forty-eight hours must be served
18 consecutively, or ~~ten~~ thirty days' community service; a fine of at least five
19 hundred dollars; and an order for addiction evaluation by an appropriate
20 licensed addiction treatment program.
- 21 e. The execution or imposition of sentence under this section may not be
22 suspended or deferred under subsection 3 or 4 of section 12.1-32-02 ~~except~~
23 ~~that a fine or a sentence of imprisonment may be suspended in any of the~~
24 ~~following instances:~~

- 1 (1) ~~Upon conviction of being in actual physical control of a motor vehicle in~~
2 ~~violation of this section or equivalent ordinance.~~
- 3 (2) ~~If the defendant is under age eighteen when convicted except that if the~~
4 ~~defendant has, within the preceding five years, previously been~~
5 ~~convicted of violating section 39-08-01 or equivalent ordinance, the~~
6 ~~sentence must include at least forty eight consecutive hours~~
7 ~~imprisonment or in a minimum security facility or at least ten days of~~
8 ~~community service. The execution of the sentence may not be~~
9 ~~suspended nor the imposition of sentence deferred under subsection 3~~
10 ~~or 4 of section 12.1-32-02.~~

11 **SECTION 3. AMENDMENT.** Section 39-08-01.3 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the**
14 **seizure, forfeiture, and sale of motor vehicles.** A motor vehicle owned and operated by a
15 person upon a highway or upon public or private areas to which the public has a right of access
16 for vehicular use may be seized, forfeited, and sold or otherwise disposed of pursuant to an
17 order of the court at the time of sentencing if the person is in violation of section 39-08-01 or an
18 equivalent ordinance and has been convicted of violating section 39-08-01 or an equivalent
19 ordinance at least ~~three times~~ one other time within the five years preceding the violation. The
20 court may also require that an ignition interlock device be installed in the person's vehicle for a
21 period of time that the court deems appropriate.

22 **SECTION 4. EMERGENCY.** Section 1 of this Act is declared to be an emergency
23 measure.