38297.0100

Fifty-eighth
Legislative Assembly   **HOUSE BILL NO. 1352**
of North Dakota

Introduced by

Representatives DeKrey, Eckre, Nicholas

Senators Bowman, Flakoll, Schobinger

1   A BILL for an Act to create and enact a new section to chapter 19-20.2 and a new section to

2   chapter 32-03 of the North Dakota Century Code, relating to adoption of rules regarding the

3   locking of anhydrous ammonia nursing tanks and immunity for theft of anhydrous ammonia.

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

5   **SECTION 1.** A new section to chapter 19-20.2 of the North Dakota Century Code is

6   created and enacted as follows:

7   **Rules relating to locking nursing tanks.** The insurance commissioner shall adopt

8   rules prohibiting an anhydrous ammonia storage facility from filling an anhydrous ammonia

9   nursing tank if the tank does not have a locking device.

10   **SECTION 2.** A new section to chapter 32-03 of the North Dakota Century Code is

11   created and enacted as follows:

12   **Immunity for theft of anhydrous ammonia.** The owner of anhydrous ammonia who is

13   in compliance with rules regarding the locking of anhydrous ammonia nursing tanks is immune

14   from civil liability for any loss, damage, or injury from the theft by another or attempted theft by

15   another of anhydrous ammonia from the tank, equipment, or storage facility in which it is

16   contained. For purposes of this section, "owner" means:

17   1.   A person who lawfully owns anhydrous ammonia;

18   2.   A person who lawfully owns a container, equipment, or storage facility containing

19   anhydrous ammonia;

20   3.   A person responsible for the installation or operation of an anhydrous ammonia

21   container, equipment, or storage facility;

22   4.   A person who lawfully sells anhydrous ammonia;

23   5.   A person who lawfully purchases anhydrous ammonia for agricultural purposes;

24   and

1   6.   A person who operates or uses anhydrous ammonia containers, equipment, or

2   storage facilities when lawfully applying anhydrous ammonia for agricultural

3   purposes.