

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1352

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 security of anhydrous ammonia nurse 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 security measures for nurse tanks.** The insurance commissioner
8 shall adopt rules identifying a critical methamphetamine use zone in the state and establishing
9 appropriate security measures to be implemented by the owners and users of anhydrous
10 ammonia nurse tanks located within the zone as a pilot project. The insurance commissioner
11 may establish the duration of the pilot project, and may require the locking of anhydrous
12 ammonia nurse tanks or other security measures as are deemed necessary to curb the illegal
13 theft of anhydrous ammonia within the zone. The insurance commissioner shall enforce any
14 rules adopted pursuant to this section.

15 **SECTION 2.** A new section to chapter 32-03 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Immunity for theft of anhydrous ammonia.** The owner of anhydrous ammonia is
18 immune from civil liability for any loss, damage, or injury from the theft by another or attempted
19 theft by another of anhydrous ammonia from the tank, equipment, or storage facility in which it
20 is contained. For purposes of this section, "owner" means:

- 21 1. A person who lawfully owns anhydrous ammonia;
- 22 2. A person who lawfully owns a container, equipment, or storage facility containing
23 anhydrous ammonia;

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- 1 3. A person responsible for the installation or operation of an anhydrous ammonia
- 2 container, equipment, or storage facility;
- 3 4. A person who lawfully sells anhydrous ammonia;
- 4 5. A person who lawfully purchases anhydrous ammonia for agricultural purposes;
- 5 and
- 6 6. A person who operates or uses anhydrous ammonia containers, equipment, or
- 7 storage facilities when lawfully applying anhydrous ammonia for agricultural
- 8 purposes.