

Introduced by

1 A BILL for an Act to amend and reenact sections 43-06-18, 43-06-19, 43-10-24, 43-18.1-09,  
2 43-18.2-12, 43-23-17, 43-25-19, 43-33-18, 43-40-18, 43-41-14, 43-42-07, 43-45-08, and  
3 43-48-16 of the North Dakota Century Code, relating to penalty provisions under occupational  
4 and professional licensing laws; to repeal section 43-41-13 of the North Dakota Century Code,  
5 relating to bribery and false statements in seeking licensure from the board of social work  
6 examiners; and to provide penalties.

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

8 **SECTION 1. AMENDMENT.** Section 43-06-18 is amended:

9 **43-06-18. State's attorney to enforce law.** The state's attorney of each county in this  
10 state shall enforce ~~the provisions of this chapter~~ section 43-06-19 and prosecute all violations  
11 thereof, and the secretary-treasurer of the board, under the direction of the board, shall aid in  
12 the enforcement of this chapter.

13 **SECTION 2. AMENDMENT.** Section 43-06-19 is amended:

14 **43-06-19. Penalty.** Any person who ~~violates any of the provisions of this chapter, and~~  
15 any person procures a license to practice chiropractic by fraud or who, without complying with  
16 the provisions of this chapter:

- 17 1. Practices or attempts to practice chiropractic;
- 18 2. Advertises as a chiropractor; or
- 19 3. Uses the terms or letters, doctor of chiropractic, chiropractor, D.C., chiropractic  
20 physician, or any other title that will induce the belief that the person is engaged in  
21 the practice of chiropractic,  
22 is guilty of a class B misdemeanor.

23 **SECTION 3. AMENDMENT.** Section 43-10-24 is amended:

1           **43-10-24. Penalty.** Any person ~~willfully violating any of the provisions of sections~~  
2 ~~43-10-21 through 43-10-23, except rules and regulations promulgated under operating or~~  
3 ~~managing a funeral establishment without a funeral establishment license in violation of section~~  
4 ~~43-10-22; is guilty of a class B misdemeanor. Any person who willfully violates a rule or~~  
5 ~~regulation promulgated under section 43-10-22 is guilty of an infraction.~~

6           **SECTION 4. AMENDMENT.** Section 43-18.1-09 is amended:

7           **43-18.1-09. Violations - Penalty.** Any person ~~who willfully~~ that violates any of the  
8 ~~provisions of this chapter is guilty of an infraction~~ the state plumbing code adopted under  
9 section 43-18-09, violates section 43-18.1-04(1), or works under the license of another person  
10 in a manner that is in violation of section 43-18.1-04(3) is guilty of a class B misdemeanor.

11          **SECTION 5. AMENDMENT.** Section 43-18.2-12 is amended:

12          **43-18.2-12. Violation - Penalty.** Any person ~~who willfully~~ that violates this chapter is  
13 ~~guilty of an infraction~~ the state plumbing code adopted under section 43-18-09, violates section  
14 43-18.2-03, or works under the license of another person in a manner that is in violation of  
15 section 43-18.2-06 is guilty of a class B misdemeanor.

16          **SECTION 6. AMENDMENT.** Section 43-23-17 is amended:

17          **43-23-17. Penalty.** Any person violating ~~any of the provisions of this chapter~~ section  
18 43-23-05 or 43-23-14.1 is guilty of an infraction.

19          **SECTION 7. AMENDMENT.** Section 43-25-19 is amended:

20          **43-25-19. Penalty for violation.** Any person violating ~~any of the provisions of this~~  
21 ~~chapter~~ section 43-25-03 without being exempt under section 43-25-04 is guilty of a class B  
22 misdemeanor. In addition to the criminal penalties provided, the board may initiate a civil action  
23 in a court of competent jurisdiction as necessary to enforce this chapter or any rule adopted  
24 under this chapter, including an injunction to restrain a violation, without proof of actual  
25 damages sustained by any person.

26          **SECTION 8. AMENDMENT.** Section 43-33-18 is amended:

27          **43-33-18. Violations - Penalty - Injunction.** Any person who ~~violates any of the~~  
28 ~~provisions of~~ fits or dispenses hearing instruments without a license or trainee permit as  
29 provided in this chapter or who violates section 43-33-13 is guilty of a class B misdemeanor. In  
30 addition to the criminal penalties provided, the civil remedy of injunction is available to restrain

1 and enjoin violations of any provisions of this chapter without proof of actual damages  
2 sustained by any person.

3 **SECTION 9. AMENDMENT.** Section 43-40-18 is amended:

4 **43-40-18. Penalty - Injunction.** Any person who violates section 43-40-02 ~~and~~  
5 ~~subsection 1 of section 43-40-16~~ is guilty of a class B misdemeanor. In addition to the criminal  
6 penalty provided, the civil remedy of an injunction is available to restrain and enjoin violations of  
7 any provisions of this chapter.

8 **SECTION 10. AMENDMENT.** Section 43-41-14 is amended:

9 **43-41-14. Penalty.** Any person who violates ~~any provision of this chapter~~ subsection 1  
10 of section 43-41-04 is guilty of a class B misdemeanor.

11 **SECTION 11. AMENDMENT.** Section 43-42-07 is amended:

12 **43-42-07. Penalty.** Any person who ~~violates this chapter or any rules adopted under~~  
13 practices polysomnography or respiratory care in violation of this chapter is guilty of an  
14 infraction.

15 **SECTION 12. AMENDMENT.** Section 43-45-08 is amended:

16 **43-45-08. Penalty.** Any person who violates ~~this chapter~~ subsection 1 of section  
17 43-45-05.2 is guilty of a class B misdemeanor.

18 **SECTION 13. AMENDMENT.** Section 43-48-16 is amended:

19 **43-48-16. Penalty.** Any person who violates ~~any provisions of this chapter~~ section  
20 43-48-02 is guilty of a class B misdemeanor.

21 **SECTION 14. REPEAL.** Section 43-41-13 is repealed.