

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1375

(Representatives Koppelman, D. Ruby, Grueneich, Headland, Kasper, Schatz, Steiner, Vetter)
(Senators Magrum, Paulson)

AN ACT to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to a licensed premises serving alcohol and refusal to furnish a photo identification; to amend and reenact section 5-02-10 of the North Dakota Century Code, relating to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Evidence of an individual under twenty-one years of age in a licensed premises - Proof of identification - Refusal - Penalty.

1. If a peace officer has reasonable and articulable suspicion that an individual under the age of twenty-one is in a licensed premises for a purpose prohibited under section 5-02-06, the peace officer may request the individual to furnish a nondriver photo identification card or an operator's license to verify the individual's age.
2. An individual who refuses to provide proof of identification upon request is guilty of an infraction.
3. If an individual charged with an infraction under this section produces a nondriver photo identification card or an operator's license before the final disposition of the infraction establishing the individual was twenty-one years of age or older at the time of the peace officer's request to furnish identification, the prosecuting attorney shall dismiss the infraction against the individual.

SECTION 2. AMENDMENT. Section 5-02-10 of the North Dakota Century Code is amended and reenacted as follows:

5-02-10. Hearing on alleged violations.

Any

1. If a person havinghas information that a licensed retailer of alcoholic beverages has violated any provisionsprovision of this title, the person may file with the attorney general, city attorney, or state's attorney an affidavit specifically setting forth suchexplaining the violation within fourteen days of the date of the alleged violation. Upon receipt of such
2. If a person timely files an affidavit under subsection 1, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward suchthe affidavit to the attorney general. Upon receipt of any such
3. If a person timely files an affidavit under subsection 1, the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail.
4. If the hearing is held by the local governing body, a copy of thisthe affidavit and notice of hearing must be mailed to the licensee by registered mail not less than five days before suchthe hearing.

5. ~~A record of such hearings will be made~~hearing conducted under this section must be recorded
by stenographic notes or the use of an electronic recording device.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1375.

House Vote: Yeas 82 Nays 9 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State