

HOUSE BILL NO. 1375

Sixty-ninth
Legislative Assembly
of North Dakota

Introduced by

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

1 A BILL for an Act to create and enact two new sections to chapter 5-02 of the North Dakota
2 Century Code, relating to a licensed premises serving alcohol, compliance checks, and failure
3 to furnish a photo identification; to amend and reenact section 5-02-10 of the North Dakota
4 Century Code, relating to the time frame to file a complaint against a licensed retailer of
5 alcoholic beverages; and to provide a penalty.

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 created
8 and enacted as follows:

9 **Licensed premises compliance check and random inquiry or investigation to detect**
10 **illegal activity - Alcohol server training - Limitations.**

1. A local governing body may conduct two liquor control compliance checks per
month per at a licensed premises.

11 2. Without permission from an establishment owner subject to this section, a local
12 governing body or a law enforcement agency may not exceed the compliance check
13 limitation under subsection 1 or conduct a random inquiry or investigation to detect
14 illegal activity within the establishment unless the governing body receives evidence
15 from an identified source and the evidence establishes reasonable and articulable
16 suspicion that a violation of this title or an equivalent ordinance has occurred. This
provision does not restrict a local governing body or law enforcement while exercising
liquor control compliance checks as referenced in subsection 1.

17 3. An ordinance enacted or adopted by a local governing body, including an ordinance
18 enacted or adopted under a home rule charter, which conflicts with this section is void.

19 **SECTION 2.** A new section to chapter 5-02 of the North Dakota Century Code is created
20 and enacted as follows:

1 **Evidence of an individual under twenty-one years of age in a licensed premises -**

2 **Proof of identification - Refusal - Penalty.**

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

14 **SECTION 3. AMENDMENT.** Section 5-02-10 of the North Dakota Century Code is amended
15 and reenacted as follows:

16 **5-02-10. Hearing on alleged violations.**

17 Any

- 18 1. If a person havinghas information that a licensed retailer of alcoholic beverages has
19 violated any provisionsprovision of this title, the person may file with the attorney
20 general, city attorney, or state's attorney an affidavit specifically setting forth
21 suchexplaining the violation within fourteen days of the date of the alleged violation.
22 Upon receipt of such
- 23 2. If a person timely files an affidavit under subsection 1, the city attorney or state's
24 attorney shall set the matter for hearing not later than the next regular meeting of the
25 local governing body or forward suchthe affidavit to the attorney general. Upon receipt
26 of any such
- 27 3. If a person timely files an affidavit under subsection 1, the attorney general shall set
28 the matter for hearing in the local county courthouse not less than ten days after
29 copies of the affidavit and notice of hearing have been mailed to the licensee by
30 registered mail.

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- 1 4. If the hearing is held by the local governing body, a copy of ~~this~~the affidavit and notice
2 of hearing must be mailed to the licensee by registered mail not less than five days
3 before ~~such~~the hearing.
- 4 5. ~~A record of such hearings will be made~~hearing conducted under this section must be
5 recorded by stenographic notes or the use of an electronic recording device.

