

ALCOHOLIC BEVERAGES

CHAPTER 91

SENATE BILL NO. 2402
 (Senators Stenehjem, J. Meyer)
 (Representatives Stenehjem, Goetz, Carlson)

MINORS SERVICE OF ALCOHOL

AN ACT to amend and reenact sections 5-01-09 and 5-02-06 of the North Dakota Century Code, relating to employment of persons under twenty-one years of age to dispense alcoholic beverages in restaurants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-09. Delivery to certain persons unlawful. Any person knowingly delivering alcoholic beverages to a person under twenty-one years of age, except as allowed under section 5-02-06, or to a habitual drunkard, an incompetent, or an obviously intoxicated person is guilty of a class A misdemeanor, subject to the provisions of sections 5-01-08, 5-01-08.1, and 5-01-08.2.

SECTION 2. AMENDMENT. Section 5-02-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty - Exceptions. Except as permitted in this section, any licensee who dispenses alcoholic beverages to a person under twenty-one years of age, or who permits such a person to remain on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a class A misdemeanor, subject to ~~the provisions of~~ sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person under twenty-one years of age may remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the room in which alcoholic beverages are opened or mixed, ~~if~~ and gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, ~~or if~~ if ~~the person is~~ employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more years of age, and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages, or ~~if~~ if the person is a law enforcement officer entering the premises in the performance of official duty. Any person who is nineteen years of age or older but under twenty-one years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person twenty-one or more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic beverages. Any establishment where alcoholic beverages are sold may employ persons from eighteen to twenty-one years of age to work in the capacity of musicians under the direct supervision of a person ~~over~~ over twenty-one or more years of age.

Approved March 22, 1989
 Filed March 23, 1989

CHAPTER 92

HOUSE BILL NO. 1336
(R. Hausauer, Mertens)

ALCOHOLIC BEVERAGE BUSINESS COMPETITIVE PRACTICES

AN ACT to amend and reenact section 5-01-11 of the North Dakota Century Code, relating to unfair competition in the alcoholic beverage business.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-11. Unfair competition - Penalty. No manufacturer may engage in any wholesale alcoholic beverage business, nor may any manufacturer or wholesaler have any financial interest in any retail alcoholic beverage establishment nor furnish any such retailer with anything of value ~~except wholesalers~~. A wholesaler may:

1. Extend normal commercial credits to retailers for industry products sold to them. The state treasurer may determine by regulation the definition of "normal commercial credits" for each segment of the industry.
2. Furnish retailers with beer containers and ~~also~~ equipment for dispensing of tap beer ~~provided if~~ the expense does not exceed fifty dollars per tap per calendar year.
3. Furnish outside signs to retailers if the sign cost does not exceed one hundred dollars exclusive of costs of erection and repair.
4. Furnish miscellaneous materials to retailers not to exceed one hundred dollars per year. "Miscellaneous materials" not subject to this limitation include any indoor point-of-sale items for retail placement. Point-of-sale items include back bar signs, pool table lights, neon window signs, and items of a similar nature. The point-of-sale items must be limited to two hundred fifty dollars per retail account from the wholesaler for each of the wholesaler's brewers or suppliers. The state treasurer may, to keep current with market conditions, adjust the limitation amount for the point-of-sale items on an annual basis upon consultation with representatives of the alcohol beverage industry.

Any wholesaler or manufacturer violating ~~the provisions of~~ this section, or any ~~regulation promulgated hereunder~~ rule adopted to implement this section, and any retailer receiving benefits thereby, is guilty of a class A misdemeanor.

Approved March 21, 1989
Filed March 23, 1989

CHAPTER 93

SENATE BILL NO. 2400
 (Senator Tallackson)
 (Representatives V. Thompson, Nowatzki)

SUNDAY AND HOLIDAY ALCOHOL SALES

AN ACT to amend and reenact sections 5-02-05 and 5-02-05.1 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days and alcoholic beverage permits; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05. ~~Disposal~~ Dispensing prohibited on certain days - Penalty. Except as permitted by sections 5-02-05.1 and 5-02-05.2, any person who dispenses or permits the consumption of alcoholic beverages on licensed premises after one a.m. on Sundays, before eight a.m. on Mondays, or between the hours of one a.m. and eight a.m. on all other days of the week, or who dispenses alcoholic beverages or permits consumption of alcoholic beverages on licensed premises on Christmas Day, after one a.m. on Good Friday, or Thanksgiving Day, ~~Christmas Day,~~ or after six p.m. on Christmas Eve, or between the hours of one a.m. and eight p.m. on the day of any statewide special, primary, or general election is guilty of a class A misdemeanor.

* SECTION 2. AMENDMENT. Section 5-02-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05.1. Special Sunday ~~convention event~~ alcoholic beverage permit - Penalty.

1. Any city or county may issue a special Sunday ~~convention event~~ alcoholic beverage permit to a private club, lodge, restaurant, motel, or hotel, as defined under city ordinances or county resolutions and licensed as a retail alcoholic beverage establishment pursuant to under chapter 5-02; or to a civic center, which publicly owned or operated facility that serves as the headquarters for a state, multistate, or national convention event of a bona fide organization recognized by the governing body of the city or county in which the convention event is held. A county may not issue a permit under this section to a private club, lodge, restaurant, motel, or hotel located within the geographical boundaries of a city.
2. The authority for issuing such special permit rests solely with the governing body of the city or county. A special permit ~~must~~ may be granted only upon proper application to and approval by the governing body, and ~~shall~~ must include payment of a fee determined

* NOTE: Section 5-02-05.1 was also amended by section 1 of House Bill No. 1562, chapter 94.

- by such the governing body. A special permit granted by the city or county is effective for one Sunday only.
3. Under the special permit, alcoholic beverages may be distributed and dancing may be permitted in those rooms of the private club, lodge, restaurant, motel, hotel, or civic center publicly owned or operated facility which have been specifically reserved for convention event activities, but may not be permitted in bar and lounge areas containing the permanent bar fixtures and normally open to the public. A city or county may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on the specified Sunday and one a.m. on Monday. Under no circumstances may the The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority and conditions of the special permit. It is the duty of the The private club, lodge, restaurant, motel, hotel, or civic center publicly owned or operated facility granted the special permit to shall enforce the requirements of this section and the conditions established by the governing body of the city or county under the permit.
 4. The special Sunday convention event alcoholic beverage permit must may not be granted to allow the distribution of alcoholic beverages at gatherings or meetings which, in the opinion of the governing body of the city or county, are primarily local in nature.
 5. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a special permit, or who furnishes information required by this section which is false or misleading, is guilty of a class A misdemeanor.

Approved April 11, 1989
Filed April 12, 1989

CHAPTER 94

HOUSE BILL NO. 1562
 (Representatives Peterson, R. Hausauer, Kelly)
 (Senator Nalewaja)

SUNDAY ALCOHOLIC BEVERAGE PERMITS

AN ACT to amend and reenact section 5-02-05.1 of the North Dakota Century Code, relating to Sunday event alcoholic beverage permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 5-02-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05.1. Special Sunday ~~convention event~~ alcoholic beverage permit - Penalty.

1. Any city or county may issue a special Sunday ~~convention event~~ alcoholic beverage permit to a private club, lodge, ~~restaurant, motel, or hotel~~, as defined under city ordinances or county resolutions and licensed as a retail alcoholic beverage establishment ~~pursuant to under chapter 5-02, or to a civic center publicly owned or operated facility~~, which serves as the headquarters for a state, multistate, or national ~~convention event~~ of a bona fide organization recognized by the governing body of the city or county in which the ~~convention event~~ is held. A county may not issue a permit under this section to a private club, lodge, ~~restaurant, motel, or hotel~~ located within the geographical boundaries of a city.
2. The authority for issuing such special permit rests solely with the governing body of the city or county. A special permit ~~must~~ may be granted only upon proper application to and approval by the governing body, and ~~shall~~ must include payment of a fee determined by ~~such~~ the governing body. A special permit granted by the city or county is effective for one Sunday only.
3. Under the special permit, alcoholic beverages may be distributed and dancing may be permitted in those rooms of the private club, lodge, ~~restaurant, motel, hotel, or civic center publicly owned or operated facility~~ which have been specifically reserved for ~~convention event~~ activities, ~~but may not be permitted in bar and lounge areas containing the permanent bar fixtures and normally open to the public~~. A city or county may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on the specified Sunday and one a.m. on Monday. Under no circumstances may the general public be permitted to participate in the consumption of alcoholic beverages distributed under the authority and conditions of the special permit. ~~It is the duty of the~~ The private club, lodge, ~~restaurant, motel, hotel, or civic~~

* NOTE: Section 5-02-05.1 was also amended by section 2 of Senate Bill No. 2400, chapter 93.

~~center~~ publicly owned or operated facility granted the special permit ~~to shall~~ enforce the requirements of this section and the conditions established by the governing body of the city or county under the permit.

4. The special Sunday ~~convention~~ event alcoholic beverage permit ~~must~~ ~~may~~ not be granted to allow the distribution of alcoholic beverages at gatherings or meetings which, in the opinion of the governing body of the city or county, are primarily local in nature.
5. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a special permit, or who furnishes information required by this section which is false or misleading, is guilty of a class A misdemeanor.

Approved March 29, 1989
Filed March 30, 1989

CHAPTER 95

SENATE BILL NO. 2376
(Senators Redlin, Lips)
(Representative Nicholas)

ALCOHOL SALES IN CERTAIN STORES

AN ACT to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the sale of alcoholic beverages in gas stations, grocery stores, and convenience stores.

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 hereby created and enacted to read as follows:

Sale of alcoholic beverages in gas stations, grocery stores, and convenience stores. Before a state retail off-sale alcoholic beverage license may be issued to a person whose business to be licensed is located in a building that is primarily a gas station, grocery store, or convenience store, the area to be licensed for the sale of alcoholic beverages must be clearly set out in a blueprint or diagram. The area licensed for the sale of alcoholic beverages must be separated from the nonlicensed portion of the business by a wall designed to allow sales personnel to serve customers and make sales in both the licensed and unlicensed portions of the premises, and that may allow customers in either portion of the premises access to the other portion.

Approved April 19, 1989
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