

Introduced by

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

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

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

8 **43-06-18. State's attorney to enforce law.** The state's attorney of each county in this
9 state shall enforce the provisions of ~~this chapter~~ section 43-06-19 and prosecute all violations
10 thereof, and the secretary-treasurer of the board, under the direction of the board, shall aid in
11 the enforcement of this chapter.

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

13 **43-06-19. Penalty.** Any person who ~~violates any of the provisions of this chapter, and~~
14 ~~any person~~ procures a license to practice chiropractic by fraud or who, without complying with
15 the provisions of this chapter:

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

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

23 **43-10-24. Penalty.** Any person ~~willfully violating any of the provisions of sections~~
24 ~~43-10-21 through 43-10-23, except rules and regulations promulgated under~~ operating or

1 managing a funeral establishment without a funeral establishment license in violation of section
2 43-10-22, is guilty of a class B misdemeanor. Any person who willfully violates a rule or
3 regulation promulgated under section 43-10-22 is guilty of an infraction.

4 **SECTION 4. AMENDMENT.** Section 43-23-17 is amended:

5 **43-23-17. Penalty.** Any person violating ~~any of the provisions~~ section 43-23-05 or
6 section 43-23-14.1 of this chapter is guilty of an infraction.

7 **SECTION 5. AMENDMENT.** Section 43-25-19 is amended:

8 **43-25-19. Penalty for violation.** Any person violating any of the provisions of ~~this~~
9 ~~chapter~~ section 43-25-03 without being exempt under section 43-25-04 is guilty of a class B
10 misdemeanor. In addition to the criminal penalties provided, the board may initiate a civil action
11 in a court of competent jurisdiction as necessary to enforce this chapter or any rule adopted
12 under this chapter, including an injunction to restrain a violation, without proof of actual
13 damages sustained by any person.

14 **SECTION 6. AMENDMENT.** Section 43-33-18 is amended:

15 **43-33-18. Violations - Penalty - Injunction.** Any person who ~~violates any of the~~
16 ~~provisions of~~ fits or dispenses hearing instruments without a license or trainee permit as
17 provided in this chapter, or who violates section 43-33-13, is guilty of a class B misdemeanor.

18 In addition to the criminal penalties provided, the civil remedy of injunction is available to
19 restrain and enjoin violations of any provisions of this chapter without proof of actual damages
20 sustained by any person.

21 **SECTION 7. AMENDMENT.** Section 43-40-18 is amended:

22 **43-40-18. Penalty - Injunction.** Any person who violates section 43-40-02 ~~and~~
23 ~~subsection 1 of section 43-40-16~~ is guilty of a class B misdemeanor. In addition to the criminal
24 penalty provided, the civil remedy of an injunction is available to restrain and enjoin violations of
25 any provisions of this chapter.

26 **SECTION 8. AMENDMENT.** Section 43-41-13 is amended:

27 ~~43-41-13. Bribery - False statements.~~ It is a class B misdemeanor to:

- 28 1. ~~Obtain or attempt to obtain a license or renewal thereof of a license by bribery.~~
29 2. ~~Knowingly make a false statement in connection with the application of any~~
30 ~~provisions of this chapter.~~

1 ~~3. Knowingly make a false statement on any form adopted by the board in~~
2 ~~accordance with this chapter or in accordance with the rules and regulations~~
3 ~~adopted under this chapter.~~

4 **SECTION 9. AMENDMENT.** Section 43-42-07 is amended:

5 **43-42-07. Penalty.** Any person who violates this chapter or any rules adopted under
6 this chapter is guilty of an infraction.

7 **SECTION 10. AMENDMENT.** Section 43-42-07 is amended:

8 ~~**43-42-07. Penalty.** Any person who violates this chapter or any rules adopted under~~
9 practices polysomnography or respiratory care in violation of this chapter is guilty of an
10 infraction.

11 **SECTION 11. AMENDMENT.** Section 43-45-08 is:

12 **43-45-08. Penalty.** Any person who violates ~~this chapter~~ subsection 1 of 43-45-05.2 is
13 guilty of a class B misdemeanor.

14 **SECTION 12. AMENDMENT.** Section 43-48-16 is amended:

15 **43-48-16. Penalty.** Any person who violates ~~any provisions of this chapter~~ section
16 43-48-02 is guilty of a class B misdemeanor.

17 **SECTION 13. REPEAL.** Section 43-41-13 of the North Dakota Century Code is
18 repealed.