

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1024
(Legislative Council)
(Administrative Rules Committee)

AN ACT to amend and reenact sections 43-06-18, 43-06-19, 43-10-24, 43-18.1-09, 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 43-48-16 of the North Dakota Century Code, relating to penalty provisions under occupational and professional licensing laws; to repeal section 43-41-13 of the North Dakota Century Code, relating to bribery and false statements in seeking licensure from the board of social work examiners; and to provide penalties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-06-18 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 2. AMENDMENT. Section 43-06-19 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Practices or attempts to practice chiropractic;
2. Advertises as a chiropractor; or
3. Uses the terms or letters, doctor of chiropractic, chiropractor, D.C., chiropractic physician, or any other title that will induce the belief that the person is engaged in the practice of chiropractic,

is guilty of a class B misdemeanor.

SECTION 3. AMENDMENT. Section 43-10-24 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 4. AMENDMENT. Section 43-18.1-09 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 5. AMENDMENT. Section 43-18.2-12 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 6. AMENDMENT. Section 43-23-17 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 7. AMENDMENT. Section 43-25-19 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 8. AMENDMENT. Section 43-33-18 of the North Dakota Century Code is amended and reenacted as follows:

43-33-18. Violations - Penalty - Injunction. Any person who ~~violates any of the provisions of~~ fits or dispenses hearing instruments without a license or trainee permit as provided in this chapter or who violates section 43-33-13 is guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction is available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person.

SECTION 9. AMENDMENT. Section 43-40-18 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 10. AMENDMENT. Section 43-41-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 11. AMENDMENT. Section 43-42-07 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 12. AMENDMENT. Section 43-45-08 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 13. AMENDMENT. Section 43-48-16 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 14. REPEAL. Section 43-41-13 of the North Dakota Century Code is repealed.

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-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1024.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State