

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1375

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 a new section to chapter 5-02 of the North Dakota Century
2 Code, relating to a licensed premises serving alcohol and failure to furnish a photo
3 identification; to amend and reenact section 5-02-10 of the North Dakota Century Code, relating
4 to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to
5 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 **Evidence of an individual under twenty-one years of age in a licensed premises -**

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

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

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

3 **5-02-10. Hearing on alleged violations.**

4 Any

5 1. ~~If a person having~~has information that a licensed retailer of alcoholic beverages has
6 violated any ~~provisions~~provision of this title, ~~the person~~ may file with the attorney
7 general, city attorney, or state's attorney an affidavit specifically ~~setting forth~~
8 ~~such~~explaining the violation within fourteen days of the date of the alleged violation.

9 ~~Upon receipt of such~~

10 2. If a person timely files an affidavit under subsection 1, the city attorney or state's
11 attorney shall set the matter for hearing not later than the next regular meeting of the
12 local governing body or forward ~~such~~the affidavit to the attorney general. ~~Upon receipt~~
13 ~~of any such~~

14 3. If a person timely files an affidavit under subsection 1, the attorney general shall set
15 the matter for hearing in the local county courthouse not less than ten days after
16 copies of the affidavit and notice of hearing have been mailed to the licensee by
17 registered mail.

18 4. If the hearing is held by the local governing body, a copy of ~~this~~the affidavit and notice
19 of hearing must be mailed to the licensee by registered mail not less than five days
20 before ~~such~~the hearing.

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