

# ALCOHOLIC BEVERAGES

## CHAPTER 106

SENATE BILL NO. 2245  
(Committee on Social Services and Veterans Affairs)  
(At the request of the Attorney General)

### ALCOHOLIC BEVERAGE LICENSES AND KEG REGISTRATION

AN ACT to create and enact a new subsection to section 5-01-01, section 5-02-09.1, and one new section to chapter 5-02 of the North Dakota Century Code, relating to the definition of licensed premises, the attorney general adopting rules for retail alcoholic beverage licensing pursuant to the Administrative Agencies Practices Act, and the registration of the sale of beer in kegs; and to amend and reenact sections 5-02-04 and 5-02-06 of the North Dakota Century Code, relating to the licensure of alcoholic beverage retailers and prohibitions as to persons under twenty-one years of age; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 5-01-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

"Licensed premises" means the premises on which beer, liquor, or alcoholic beverages are normally sold or dispensed and shall be delineated by diagram or blueprint which shall be included with the license application or the license renewal application.

SECTION 2. AMENDMENT. Section 5-02-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-04. State license fee. The fee for an annual state ~~on~~ and ~~off~~ sale beer or liquor license shall be fifty dollars each, except in cities over five hundred population at the last federal decennial census, the fee shall be one hundred dollars for each license. The fee for an annual state ~~exclusive on~~ sale beer ~~or~~ liquor license shall be fifty dollars each, except in cities over five hundred population at the last federal decennial census, the fee shall be one hundred dollars for each license. An ~~off~~ sale ~~only~~ beer ~~or~~ liquor license shall be fifty dollars each. The fee for an annual

state license will be charged on a calendar-year basis. License fees will be prorated from the first day of the month in which license is issued up to the last day of the month in which such license expires, except that no license fee will be less than twenty-five dollars.

SECTION 3. AMENDMENT. Section 5-02-06 of the 1981 Supplement to 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 gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, and or if ~~{1}~~ accompanied by a parent or legal guardian, ~~{2}~~ (1) 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 not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages, or ~~{3}~~ (2) if the person is a law enforcement officer entering the premises in the performance of official duty. 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 twenty-one years of age.

SECTION 4. Section 5-02-09.1 to the North Dakota Century Code is hereby created and enacted to read as follows:

5-02-09.1. Attorney general to adopt rules. The attorney general pursuant to chapter 28-32 shall adopt rules necessary to carry out the provisions of this chapter.

SECTION 5. A new section to chapter 5-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Sale of beer in kegs - Registration and marking required.

1. Any retail alcoholic beverage licensee who sells beer in a container with a liquid capacity greater than six gallons must place a distinctive symbol, notation, or mark unique to the licensee on the container and also must mark the container with a "registration" number or letters, or both, unique to that container. The paint or ink used to mark the containers or other manner of marking the containers shall be approved by the attorney general.

2. Whenever a retail alcoholic beverage licensee sells beer in a container with a liquid capacity greater than six gallons, he must record the date of sale and the name, address, and driver's license number or number of other official state or military identification card of the person to whom the beer is sold, together with the signature, and registration number and/or letters of the container. Such records must be retained for a period of no less than six months and must be kept on the licensed premises of the retail establishment where the sales are made.
3. Each retail alcoholic beverage licensee must register his or her unique identification symbol, notation, or mark with the attorney general and must permit any law enforcement officer to inspect the records required to be kept pursuant to this section during times the retail establishment is normally open for business or at other reasonable times.
4. This section does not apply to the sale of beer in a container by a retail alcoholic beverage licensee if the contents of the container are consumed on the licensed premises where the sale occurred.

Approved April 14, 1983

## CHAPTER 107

SENATE BILL NO. 2413  
(Kusler)

## DAMAGES RESULTING FROM INTOXICATION

AN ACT to amend and reenact section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Section 5-01-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-06. Recovery of damages resulting from intoxication. Every wife spouse, child, parent, guardian, employer, or other person who shall be is injured in person, property or means of support by any intoxicated person, or in consequence of intoxication, shall have a right of action against any person who shall have caused such intoxication by disposing, selling, bartering, or giving away alcoholic beverages contrary to statute for all damages sustained, and in the event death ensues, the survivors of the decedent are entitled to such damages as defined in section 32-21-02.

Approved April 14, 1983

\* NOTE: Section 5-01-06 was also amended by section 1 of Senate Bill No. 2249, chapter 172.

## CHAPTER 108

HOUSE BILL NO. 1457  
(Representatives Sanstead, Boyle)  
(Senator Lips)

## LIQUOR ESTABLISHMENT LICENSE

AN ACT to amend and reenact subsections 1 and 2 of section 5-02-02 of the North Dakota Century Code, relating to the retail licensing of liquor establishments; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 2 of section 5-02-02 of the 1981 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Applicant, other than corporate, must be a ~~citizen~~ legal resident of the United States and a resident of the state of North Dakota and be a person of good moral character.
2. If applicant is a corporation the manager of the licensed premises and the officers, directors and stockholders must be ~~citizens~~ legal residents of the United States and persons of good moral character. Corporate applicants must first be properly registered with the secretary of state.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 11, 1983