

# ALCOHOLIC BEVERAGES

## CHAPTER 100

H. B. No. 640

(Ostrem, Muggli, Knutson of Benson,  
(Hornstein, Scott, Myhre)

### ALCOHOLIC BEVERAGES AND MINORS

#### AN ACT

Relating to the purchase of intoxicating liquor by or for a person under twenty-one years of age, the furnishing of false evidence as to age, and providing a penalty.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) It shall be unlawful for any person under the age of twenty-one years to purchase or attempt to purchase or have in his or her possession in this state any intoxicating liquor as defined by section 5-0506 of the 1957 Supplement to the North Dakota Revised Code of 1943.

§ 2.) It shall be unlawful for any person to purchase or procure for any person under the age of twenty-one years any intoxicating liquor as herein defined or to furnish or deliver such intoxicating liquor to any such person.

§ 3.) It shall be unlawful for any person under the age of twenty-one years to furnish money to any other person for the purpose of purchasing such intoxicating liquor.

§ 4.) It shall be unlawful for any person under the age of twenty-one years to make any false statement or to furnish, present, or exhibit any false or fictitious registration card or other document or evidence for the purpose of gaining admission to any place where his or her presence is prohibited or for the purpose of procuring the sale to him or her of such intoxicating liquor.

§ 5.) Any person violating any provision of this Act shall be punished by a fine of not exceeding one hundred dollars or by imprisonment in the county jail for not exceeding thirty days or by both such fine and imprisonment.

Approved February 21, 1959.

## CHAPTER 101

S. B. No. 271  
(Wenstrom)

## DAMAGES FOR ILLEGAL SALE OF LIQUOR

## AN ACT

To amend and reenact section 5-0121 of the North Dakota Revised Code of 1943 relating to the right of action for damages against persons causing the intoxication of persons causing damage.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 5-0121 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**5-0121. Recovery of Damages for Illegal Sale of Liquor.)** Every wife, child, parent, guardian, employer, or other person who shall be injured in person, property, or means of support, by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, shall have a right of action, in his or her own name, against any person who, by selling, bartering, or giving away alcoholic beverages contrary to the provisions of any statute, shall have caused the intoxication of such person, for all damages actually sustained as well as for exemplary damages. All damages recovered by a minor under this section shall be paid either to such minor, or his or her parent, guardian, or next friend, as the court shall direct. All suits for damages under this section shall be by civil action in any of the courts of this state having jurisdiction thereof.

Approved March 10, 1959.

## CHAPTER 102

S. B. No. 117  
(Trenbeath and Berube)  
(By request)

## LIQUOR BROUGHT INTO STATE

## AN ACT

To amend and reenact section 5-0306 of the North Dakota Revised Code of 1943, relating to stamps representing tax on liquor in this state, and allowing a limited amount of liquor to be brought into this state from foreign countries by tourists or other people.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 5-0306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**5-0306. Stamps Representing Tax Must Be Used; Exception.)** Stamps representing the excise taxes set forth in section 5-0305 shall be affixed securely to each package or original container, sold by or in the possession of any retail dealer. No person shall possess, within this state, any original package or other container of liquor to which such stamps are not affixed. Any unstamped liquor found in the possession of any person shall be subject to seizure and confiscation by any peace officer unless such liquor at the time was in the possession of or in transit and consigned to a duly licensed wholesale dealer within this state, or is being brought into the state of North Dakota from foreign countries. Such liquor brought into North Dakota from foreign countries by any one person shall not exceed one wine gallon and such liquor shall not be resold. The provisions of this section shall not be construed as authorizing any person under the age of twenty-one years to bring any liquor into this state from any foreign country.

Approved March 3, 1959.