

# SPORTS AND AMUSEMENTS

## CHAPTER 317

H. B. No. 540

(Haugland, Karabensh, Sorlie, Stallman, Trom)  
(From LRC Study)

### LICENSING, GAMES, AMUSEMENTS, TAXICABS

#### AN ACT

To amend and reenact sections 53-06-01, 53-06-08, 57-36-02, 57-36-03, 57-36-04, and 57-36-05 of the North Dakota Century Code, relating to the licensing of taxicabs and establishments selling soft drinks, cigarettes, and snuff.

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

§ 1. **Amendment.**) Section 53-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**53-06-01. License Required — Limitation as to Theater License.)** No pool hall, billiard room, bowling alley, dance hall, theater, moving picture show, nor any hall owned privately and used for public purposes, shall be opened, maintained, operated, or conducted within this state unless the owner, proprietor, or managing agent thereof first shall secure a license so to do in the manner in this chapter prescribed. No new license shall be issued for the operation of a moving picture show in any city or village of this state where one or more moving picture shows now are being operated under license from the state unless it is established to the satisfaction of the licensing authority that the public needs will be more adequately served by the issuance of such additional license, or unless the applicant for such license purchases or leases one of the moving picture shows then in operation.

§ 2. **Amendment.**) Section 53-06-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**53-06-08. License Fees.)** The annual license fees for the places and businesses required to be licensed under this chapter shall be as follows:

1. A pool or billiard room, five dollars per table per year;
2. Bowling alleys, five dollars per alley per year;
3. Dance hall, fifteen dollars per year;

4. Theater or moving picture show, five dollars per year where there are not more than fifty seats, ten dollars per year where there are not more than seventy-five seats, fifteen dollars per year where there are not more than one hundred seats, and four dollars per year for each one hundred seats thereafter, or for a fraction thereof;
5. Privately owned hall used for public purposes, five dollars where there are not more than seventy-five seats, ten dollars where there are not more than one hundred fifty seats, and fifteen dollars where there are more than one hundred fifty seats per year.

Where a dance hall, theater, and moving picture show are operated in one building under the same management, one license shall be sufficient, but in such case the larger in amount of the three licenses shall be paid.

§ 3. **Amendment.)** Section 57-36-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-36-02. Distributors and Dealers To Be Licensed.)** Each person engaged in the business of selling cigarettes, cigarette papers, snuff, cigars, or tobacco in this state, including any distributor or dealer, shall secure a license from the attorney general before engaging in such business or continuing to engage therein. A separate application and license shall be required for each distributor at each outlet or place of business within the state, and a separate dealer's license shall be required for each retail outlet when a person shall own or control more than one place of business dealing in cigarettes, cigarette papers, snuff, cigars, or tobacco. No retailer shall be granted a distributor's license except a retailer who also performs, in the usual course of business, a distributor's or wholesaler's function, and has performed such functions for at least one year prior to filing application for said license. Such license shall be issued by the attorney general on applications stating, on a form prescribed by him, the name and address of the applicant, the address and place of business at which it is proposed to engage in such business, the type of business, and such other information as may be required for the proper administration of this chapter. Each application for a wholesale or distributor's outlet license shall be accompanied by a fee of fifteen dollars and a surety bond to be approved by the attorney general in the sum of not less than one thousand dollars or more than five thousand dollars. Each application for a dealer's outlet license shall be accompanied by a fee of ten dollars. Stamps or insignia provided for in this chapter shall be sold to and affixed by licensed distributors only. Licensed dealers may sell or buy or have in their possession

only cigarettes, or snuff upon which such stamps or insignia have been previously affixed. A distributor's license does not authorize the holder thereof to make sales at retail. Each license issued shall be prominently displayed on the premises covered by the license.

§ 4. **Amendment.)** Section 57-36-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-36-03. License.)** Each license issued under the provisions of this chapter shall be valid until the first day of July subsequent to the date of issuance unless sooner revoked by the attorney general or unless the business with respect to which such license was issued shall be transferred, in either of which cases the holder of the license shall return it immediately to the attorney general. The license issued is annual and runs from July first of each year to June thirtieth of the following year.

§ 5. **Amendment.)** Section 57-36-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-36-04. Revocation of License.)** The attorney general may revoke the license of any dealer or distributor for failure to comply with any of the provisions of this chapter, or any of the rules or regulations prescribed by the tax commissioner or the attorney general. When a license has been legally revoked, no license shall be issued again to the licensee for a period of one year thereafter. Any person who shall sell any cigarettes, cigarette papers, snuff, cigars, or tobacco after his license has been revoked as provided in this chapter, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, and the costs of prosecution, and shall be committed to the county jail until such fine and costs are paid, but not for a period exceeding six months, and all cigarettes, cigarette papers, snuff, cigars, or tobacco in his possession shall be seized and forfeited to the state.

§ 6. **Amendment.)** Section 57-36-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-36-05. Unlawful to Sell Without License.)** No dealer or distributor shall sell cigarettes, cigarette papers, snuff, cigars, or tobacco in this state at wholesale or at retail unless a license shall have been issued to him as prescribed by this chapter, and no person shall sell, offer for sale, or possess with the intent to sell, any cigarettes, cigarette papers, snuff, cigars, or tobacco without such license.

Approved February 2, 1961.