

SENATE BILL NO. 2338
with Conference Committee Amendments
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Introduced by

Senators Fors, J. Roers, Vedaa

Representatives Paur, Trottier

1 A BILL for an Act to create and enact subdivision yy of subsection 2 of section 12-60-24 of the
2 North Dakota Century Code, relating to criminal history record checks; and to amend and
3 reenact sections 51-05.1-01.1 and 51-05.1-02 of the North Dakota Century Code, relating to
4 auctioneer's and clerk's licenses and standards.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Subdivision yy of subsection 2 of section 12-60-24 of the North Dakota
7 Century Code is created and enacted as follows:

8 yy. The public service commission for initial applicant licenses under chapter
9 51-05.1, except that criminal history record checks need not be made unless
10 required by the public service commission.

11 **SECTION 2. AMENDMENT.** Section 51-05.1-01.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **51-05.1-01.1. Auctioneer's license - Clerk's license - Fees - Bonds.**

14 1. The initial and renewal application for an annual auctioneer's or clerk's license must be
15 in writing, verified, submitted on forms designated by the commission, and must show
16 the name, residence, and address of the applicant. An application must be filed at
17 least ten days prior to the first auction sale the applicant is to conduct or clerk.
18 Application for renewal of an annual license must be on forms designated by the
19 commission. The fee for the annual license or renewal is thirty-fivefifty dollars and
20 must accompany the application. The name and license number must appear on all
21 advertising of sales conducted by an auctioneer or clerk. Renewals that are not
22 received by JanuaryDecember thirty-first must be assessed an additional twenty-five
23 dollar fee.

- 1 2. Before a license is issued to an auctioneer or clerk, the applicant must file a corporate
2 surety bond with the commission. This bond must provide annual coverage of not less
3 than five thousand dollars for an auctioneer or ten thousand dollars for a clerk, must
4 run to the state of North Dakota, and must be for the benefit of any person injured by
5 the licensee's improper conduct. Bonds may not be canceled on less than sixty days'
6 written notice to the commission. When notice of cancellation is received by the
7 commission, the commission, without hearing, shall revoke the license for which the
8 bond was issued effective with the effective date of the cancellation, unless the
9 licensee files a new bond or evidence that the bond will be reinstated before the
10 effective date of the cancellation. The size of the licensee's bond must be clearly and
11 prominently stated in all contracts with sellers.

12 **SECTION 3. AMENDMENT.** Section 51-05.1-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **51-05.1-02. License standards.**

- 15 1. Licenses may be granted only to persons who bear a good reputation for honesty,
16 truthfulness, and fair dealing and who are competent to transact the business of an
17 auctioneer or a clerk.
- 18 2. An applicant for a license must be at least eighteen years of age. Every applicant for a
19 license as an auctioneer shall:
- 20 a. Have been actively engaged as a licensed auctioneer for a period of at least one
21 year preceding the date of application; or
- 22 b. Furnish proof of satisfactory completion of an approved course of study relating
23 to auctioneers.
- 24 3. The commission may request a first-time applicant for a license to pass a criminal
25 background check. An applicant shall pay the costs associated with the performance
26 of a criminal background check.