

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2338
(Senators Fors, J. Roers, Vedaa)
(Representatives Paur, Trottier)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

1. The initial and renewal application for an annual auctioneer's or clerk's license must be ~~in writing, verified, submitted on forms designated by the commission,~~ and must show the name, residence, and address of the applicant. ~~An application must be filed at least ten days prior to the first auction sale the applicant is to conduct or clerk. Application for renewal of an annual license must be on forms designated by the commission.~~ The fee for the annual license or renewal is ~~thirty-five~~fifty dollars and must accompany the application. The name and license number must appear on all advertising of sales conducted by an auctioneer or clerk. Renewals that are not received by ~~January~~December thirty-first must be assessed an additional twenty-five dollar fee.
2. Before a license is issued to an auctioneer or clerk, the applicant must file a corporate surety bond with the commission. This bond must provide annual coverage of not less than five thousand dollars for an auctioneer or ten thousand dollars for a clerk, must run to the state of North Dakota, and must be for the benefit of any person injured by the licensee's improper conduct. Bonds may not be canceled on less than sixty days' written notice to the commission. When notice of cancellation is received by the commission, the commission, without hearing, shall revoke the license for which the bond was issued effective with the effective date of the cancellation, unless the licensee files a new bond or evidence that the bond will be reinstated before the effective date of the cancellation. The size of the licensee's bond must be clearly and prominently stated in all contracts with sellers.

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

51-05.1-02. License standards.

1. Licenses may be granted only to persons who bear a good reputation for honesty, truthfulness, and fair dealing and who are competent to transact the business of an auctioneer or a clerk.

2. An applicant for a license must be at least eighteen years of age. Every applicant for a license as an auctioneer shall:
 - a. Have been actively engaged as a licensed auctioneer for a period of at least one year preceding the date of application; or
 - b. Furnish proof of satisfactory completion of an approved course of study relating to auctioneers.
3. The commission may request a first-time applicant for a license to pass a criminal background check. An applicant shall pay the costs associated with the performance of a criminal background check.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2338.

Senate Vote: Yeas 44 Nays 3 Absent 0

House Vote: Yeas 68 Nays 23 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State