

APPROVED

DATE: 12-8-10
[Signature]

MOTION

December 8, 2010

Public Service Commission
Sixty-second Legislative Session (2011)
Misc. Cases

AD-10-576

I move the Commission submit the following pre-filed bill draft to the Legislative Council for the Sixty-second Legislative Assembly of North Dakota:

Licensing: Amend and reenact section 51-05.1-04 of the North Dakota Century Code, relating to auctioneer and auctioneer clerk definitions, and internet auctions.

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

A BILL for an Act to amend and reenact section 51-05.1-04 of the North Dakota Century Code, relating to auctioneer and auctioneer clerk definitions, and internet auctions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 51-05.1-04 of the North Dakota Century Code is amended and reenacted as follows:

51-05.1-04. Definitions.

1. Except as provided in subsection 5, An an auctioneer within the meaning of this chapter is a person, who for a compensation or valuable consideration, sells or offers for sale either real or personal property at public auction as a whole or partial vocation.
2. Except as provided in subsection 5, A a clerk within the meaning of this chapter is any person, firm, partnership, copartnership, association, corporation, or limited liability company, who for a compensation or valuable consideration, is employed either directly or indirectly by an owner while the sale is in progress to record each item offered for sale, its selling price, the buyer's name or number, to collect all proceeds of said sale, to pay all expenses connected with the sale, to prepare a full closing statement of all receipts and disbursements, and make settlement thereon to parties properly entitled thereto within a reasonable length of time.

3. ~~A single act performed or isolated transactions in the selling of property at auction for another shall not constitute the person performing, offering, or attempting to perform any of the acts enumerated herein, an auctioneer within the meaning of this chapter. "Internet auction" means the selling or offering for sale either real or personal property at public auction exclusively via the internet.~~
4. "Seller" means the owner or consignor of property to be sold at auction.
5. A person performing a single act or an isolated transaction in the selling of property at auction for another does not constitute the person performing, offering, or attempting to perform any of the acts enumerated in this section, and is not an auctioneer or clerk within the meaning of this chapter. A person conducting or employed by a person conducting an internet auction is not an auctioneer or clerk within the meaning of this chapter.