

N.D.A.G. Letter to Haskell (Oct. 9, 1985)

October 9, 1985

Mr. Bruce B. Haskell
Assistant State's Attorney
Morton County State's Attorney's Office
P.O. Box 190
Mandan, ND 58554

Dear Bruce:

Thank you for your letter of September 27, 1985, inquiring as to whether the North Dakota Sunday closing law allows a business to operate on a Sunday where that business does not fall within the list of businesses allowed to operate on a Sunday.

The modification to the North Dakota Sunday closing law, 1985 N.D. Sess. Laws 183, leaves little doubt but that the Legislature intended to prohibit the conducting of business or labor for profit in the usual manner and location by any business on a Sunday unless the business is allowed to operate on a Sunday, as listed in N.D.C.C. § 12.1-30-03, and the items sold or rented do not fall within the prohibited list of items found at N.D.C.C. § 12.1-30-02. The fact that a particular item is not prohibited from being sold or rented on a Sunday does not allow any business to engage in the sale or rental of said item. Instead, the fact that this particular item is not found within the prohibited items list only means that those businesses allowed to operate on a Sunday may include such items as part of the business's usual business operation.

Therefore, in specific response to your question, the North Dakota Sunday closing law does prohibit a business from operating on a Sunday when that business is not found within the list of permissible businesses allowed to operate on a Sunday although that business sells only items allowed to be sold on Sundays.

Sincerely,

Nicholas J. Spaeth

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