

## **CHAPTER 53-05**

### **RESTRICTIONS RELATING TO AMUSEMENTS**

**53-05-01. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Fair" means any fair or exposition.
2. "Person" means any natural person, copartnership, association, corporation, or limited liability company.

**53-05-02. Carnivals - When prohibited - Exceptions.** A person may not conduct any circus or carnival in any city, or within a radius of thirty miles [48.28 kilometers] of any city, within this state, at or near which any state, county, or district fair association operates an agricultural and livestock exposition or fair, within a period of thirty days next preceding the date advertised and set for such exposition or fair, nor during the time of holding the same unless:

1. The officials of such fair or exposition consent to the holding thereof;
2. Such circus or carnival is held in conjunction with such fair or exposition or some other civic-sponsored festival or outdoor event; or
3. The circus or carnival is held outside the boundaries of the county in which the fair or exposition is held.

Nothing in this section exempts such circus or carnival from obtaining a proper license or permit, as provided by law, for the holding thereof.

**53-05-03. Exhibitions - Filing.** Every person managing, promoting, or producing any public exhibition, show, circus, carnival, auto race, motorcycle race, auto polo game, airplane exhibition, ferris wheel, merry-go-round, seaplane, caterpillar, or similar exhibition other than a horse race, rodeo, bicycle race, or entertainment in which motor power is not used, before producing or exhibiting the same shall file with the county auditor of the county in which such performance or exhibition is to take place:

1. A copy of the contract, if any, under which such exhibition, amusement, or entertainment will be given; and
2. The correct post-office address of the principal place of business of the person producing the same.

**53-05-04. Service of process upon secretary of state.** In any action or proceeding upon a claim arising out of conduct regulated by this chapter, service of process may be made upon the secretary of state. When served with process, such official, if possible, immediately shall ascertain the post-office address of such person and shall forward a copy of the process served by registered or certified mail to such person. Such service of process upon the secretary of state for all purposes of such suit, and any verdict rendered or judgment entered therein, must be deemed legal and valid personal service of process the same as though made personally upon such person.

**53-05-05. Definition of physical endurance contests - Prohibited.** Repealed by S.L. 1981, ch. 513, § 2.

**53-05-06. Penalty.** Any person who violates any provision of section 53-05-02 or 53-05-03 is guilty of a class B misdemeanor.

**53-05-07. Amusement places - Penalty for screening.** Repealed by S.L. 1975, ch. 106, § 673.

**53-05-08. Minors not allowed in certain public places - Exception - Penalty.**  
Repealed by S.L. 1973, ch. 402, § 1.