

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1304**

Introduced by

Representatives K. Koppelman, Brabandt, Klemin, Olson, Paur

Senator Armstrong

1 A BILL for an Act create and enact a new section to chapter 12.1-01, a new section to chapter
2 14-10, and a new section to chapter 27-20 of the North Dakota Century Code, relating to the
3 presumption of an individual's legal date of birth.

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

5 **SECTION 1.** A new section to chapter 12.1-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Presumption of age.**

8 1. In determining an individual's age for purposes of this title, the individual's date of birth
9 as provided by any of the following is presumed to be the individual's legal date of
10 birth:

11 a. A state government in the form of a birth certificate, other state-issued
12 identification, or a certified copy of a birth certificate that includes the individual's
13 date of birth;

14 b. The United States government in the form of a tribal identification document,
15 military identification, passport, passport card, permanent resident card,
16 certificate of United States citizenship, certificate of naturalization, border
17 crossing card, visa, or other entry document that includes the individual's date of
18 birth; or

19 c. A foreign government in the form of a passport, driver's license, or other foreign
20 government-issued identity document that includes the individual's date of birth. If
21 there is a conflict between government issued forms, a government issued birth
22 certificate or a certified copy of a birth certificate takes precedence.

23 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to
24 the contrary.

1 **SECTION 2.** A new section to chapter 14-10 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Presumption of age.**

4 1. In determining an individual's age for purposes of this chapter, the individual's date of
5 birth as provided by any of the following is presumed to be the individual's legal date
6 of birth:

7 a. A state government in the form of a birth certificate, other state-issued
8 identification, or a certified copy of a birth certificate that includes the individual's
9 date of birth;

10 b. The United States government in the form of a tribal identification document,
11 military identification, passport, passport card, permanent resident card,
12 certificate of United States citizenship, certificate of naturalization, border
13 crossing card, visa, or other entry document that includes the individual's date of
14 birth; or

15 c. A foreign government in the form of a passport, driver's license, or other foreign
16 government-issued identity document that includes the individual's date of birth. If
17 there is a conflict between government issued forms, a government issued birth
18 certificate or a certified copy of a birth certificate takes precedence.

19 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to
20 the contrary.

21 **SECTION 3.** A new section to chapter 27-20 of the North Dakota Century Code is created
22 and enacted as follows:

23 **Presumption of age.**

24 1. In determining an individual's age for purposes of this chapter, the individual's date of
25 birth as provided by any of the following is presumed to be the individual's legal date
26 of birth:

27 a. A state government in the form of a birth certificate, other state-issued
28 identification, or a certified copy of a birth certificate that includes the individual's
29 date of birth;

30 b. The United States government in the form of a tribal identification document,
31 military identification, passport, passport card, permanent resident card,

- 1 certificate of United States citizenship, certificate of naturalization, border
2 crossing card, visa, or other entry document that includes the individual's date of
3 birth; or
4 c. A foreign government in the form of a passport, driver's license, or other foreign
5 government-issued identity document that includes the individual's date of birth. If
6 there is a conflict between government issued forms, a government issued birth
7 certificate or a certified copy of a birth certificate takes precedence.
8 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to
9 the contrary.