

NORTH DAKOTA ADMINISTRATIVE CODE

Supplement 357

July 2015

**Prepared by the Legislative Council staff
for the
Administrative Rules Committee**

TABLE OF CONTENTS

State Department of Health 1
Department of Transportation..... 29
State Board of Plumbing 35
Department of Human Services..... 47

TITLE 33
STATE DEPARTMENT OF HEALTH

JULY 2015

**CHAPTER 33-03-24.1
BASIC CARE FACILITIES**

Section	
33-03-24.1-01	Definitions
33-03-24.1-02	Certificate of Need [Repealed]
33-03-24.1-03	Issuance of License
33-03-24.1-04	Waiver Provision
33-03-24.1-05	Plans of Correction
33-03-24.1-06	Enforcement Actions
33-03-24.1-07	Reconsideration of Enforcement Actions
33-03-24.1-08	Appeals
33-03-24.1-09	Governing Body
33-03-24.1-10	Fire Safety
33-03-24.1-11	Education Programs
33-03-24.1-12	Resident Assessments and Care Plans
33-03-24.1-13	Resident Records
33-03-24.1-14	Personal Care Services
33-03-24.1-15	Pharmacy and Medication Administration Services
33-03-24.1-16	Social Services
33-03-24.1-17	Nursing Services
33-03-24.1-18	Dietary Services
33-03-24.1-19	Activity Services
33-03-24.1-20	Housekeeping and Laundry Services
33-03-24.1-21	Adult Day Care Services
33-03-24.1-22	General Building Requirements [Repealed]
<u>33-03-24.1-23</u>	<u>Optimal End-of-Life Care Service</u>

33-03-24.1-01. Definitions.

1. "Abuse" includes the willful infliction of mental, physical, sexual, and verbal abuse which could result in temporary or permanent mental, physical, emotional, or psychological injury or harm. Mental abuse includes humiliation, harassment, intimidation, threats of punishment, or deprivation. Physical abuse includes hitting, slapping, pinching, kicking, unreasonable confinement, and deprivation, by an individual,

of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. It also includes controlling behavior through corporal punishment. Sexual abuse includes sexual harassment, sexual coercion, sexual contact, or sexual assault. Verbal abuse includes any use of oral, written, or gestured language that includes disparaging and derogatory terms to residents or their families, used within their hearing distance to describe the residents, regardless of their age, ability to comprehend, or disability.

2. "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including eating, nutrition, dressing, personal hygiene, mobility, toileting, and behavior management.
 - a. "Assistance" means the resident is able to help with most of an activity, but cannot do it entirely alone. The resident may need prompting, encouragement, or the minimal hands-on assistance of the personal care attendant.
 - b. "Independent" means the resident can perform the activities of daily living without help.
3. "Activity staff" means an employee who is responsible for providing an activity program.
4. "Adult day care services" means the provision of basic care facility services to meet the needs of individuals who do not remain in the facility overnight.
5. "Basic care facility" means a facility licensed by the department under North Dakota Century Code chapter 23-09.3 whose focus is to provide room and board and health, social, and personal care to assist the residents to attain or maintain their highest level of functioning, consistent with the resident assessment and care plan, to five or more residents not related by blood or marriage to the owner or manager. These services shall be provided on a twenty-four-hour basis within the facility, either directly or through contract, and shall include assistance with activities of daily living and instrumental activities of daily living; provision of leisure, recreational, and therapeutic activities; and supervision of nutritional needs and medication administration.
6. "Capable of self-preservation" means a resident's ability, with or without assistance, to evacuate the facility or relocate from the point of occupancy to a point of safety in case of fire in compliance with the requirements of this chapter.
7. "Department" means the North Dakota state department of health.

- ~~8.~~ 8. "End-of-life care" means a program of palliative and supportive care for a resident with a physician or nurse practitioner's order identifying a terminal illness or condition with a limited prognosis of six or fewer months to live that has elected to receive hospice services through a licensed and Medicare-certified hospice agency.
- ~~8:~~ 9. "Facility" means a basic care facility.
- ~~9:~~ 10. "Governing body" means the entity legally responsible for the operation of a basic care facility.
- ~~10:~~ 11. "Instrumental activities of daily living" includes preparing meals, shopping, managing money, housework, laundry, transportation, use of telephone, and mobility outside the basic care facility.
- ~~11:~~ 12. "Licensed health care practitioner" means an individual who is licensed or certified to provide medical, medically related, or advanced registered nursing care to individuals in North Dakota.
- ~~12:~~ 13. "Medication administration" means an act in which a drug or biological is given to a resident by an individual who is authorized in accordance with state laws and regulations governing such acts, and may include a licensed health care practitioner, licensed nurse, or medication assistant.
- ~~13:~~ 14. "Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful temporary or permanent taking or use of a resident's belongings or money, or both.
- ~~14:~~ 15. "Neglect" includes failure to carry out resident services as directed or ordered by the licensed health care practitioner or other authorized personnel, or failure to give proper attention to residents.
- ~~15:~~ 16. "Personal care" means assistance with activities of daily living and instrumental activities of daily living and general supervision of physical or mental well-being.
- ~~16:~~ 17. "Resident" means an individual admitted and retained in a facility in order to receive room and board and health, social, and personal care who is capable of self-preservation, and whose condition does not require continuous, twenty-four-hour a day onsite availability of nursing or medical care.
18. "Secured facility" means a facility that is kept, used, maintained, advertised, or held out to the public as an Alzheimer's, dementia, or special memory care facility that has restricting devices to restrict residents from freely exiting the building.

19. "Secured unit" means a specific area of the facility that is kept, used, maintained, advertised, or held out to the public as an Alzheimer's, dementia, or special memory care unit that has a restricting device separating the residents in the unit from the residents in the remainder of the facility.
20. "Significant medication error" means a medication error which causes the resident discomfort or jeopardizes his or her health and safety, or a pattern of more than three medication errors that has the potential for causing a negative impact or harm to residents.

History: Effective January 1, 1995; amended effective January 1, 2008; July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02(1)

Law Implemented: NDCC 23-09.3

33-03-24.1-03. Issuance of license. A facility meeting the definition of a basic care facility as outlined in North Dakota Century Code chapter 23-09.3, North Dakota Administrative Code chapter 33-03-24.2, and this chapter must obtain a license from the department in order to operate in North Dakota.

1. Application to operate a facility must be made to the department prior to opening a facility, prior to change in ownership, annually, and upon determination by the department that a facility meets the definition of a basic care facility.
2. Floor plans must be submitted to the department for review and approval prior to opening a facility and prior to making structural alterations, including those which increase or decrease resident bed capacity.
3. Upon receipt of an application for an initial license, the department may schedule an inspection. ~~The department may request the assistance of the state fire marshal in the inspection.~~ Upon completion of the inspection and consideration of the findings, the department may issue an initial or provisional license, or deny the application.
4. An initial license is valid for a period not to exceed one year and shall expire on December thirty-first of the year issued.
5. Licenses must be issued on a calendar year basis and expire on December thirty-first of each year. An application for licensure renewal must be received by the department with sufficient time prior to the beginning of the licensure period to process.
6. A provisional license may be issued to a facility that does not comply with this chapter if practices in the facility do not pose a danger to the health and safety of the residents, as determined by the department.

- a. A provisional license must be accompanied by a written statement of the specific rules or statutes violated and the expiration date of the license, which is not to exceed three months from the date of issuance.
 - b. If compliance with the requirements has been determined by the department prior to the expiration of the provisional license, an annual license may be issued. If an acceptable plan of correction has been approved by the department but compliance has not yet been achieved, the provisional license may be renewed no more than one time for an additional period up to three months at the discretion of the department.
7. Once issued, the facility shall display the license in a conspicuous place. A license is not subject to sale, assignment, or other transfer, voluntary or involuntary. A license is not valid for any premises other than those for which originally issued.
 8. The department may, at any time, inspect a facility that the department determines meets the definition of a basic care facility as described in North Dakota Century Code chapter 23-09.3 and this chapter.
 9. The facility must provide the department access to any material and information necessary, as determined by the department, for determining compliance with these requirements.
 10. Information regarding facilities is public information and is available upon request through the department.

History: Effective January 1, 1995; amended effective January 1, 2008; July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02(1)

Law Implemented: NDCC 23-09.3-04, 23-09.3-05

33-03-24.1-05. Plans of correction.

1. A basic care facility must submit a plan of correction within ten days of receipt of the notification of deficiencies pursuant to this chapter.
2. The plan of correction must address how each deficiency will be corrected, what the facility will put in place to assure continued compliance, and the date upon which the corrective action will be completed.
3. The department may accept, reject, negotiate modifications to, or direct the plan of correction. A directed plan of correction is a plan of correction which has been developed in coordination with the department.

4. Correction of deficiencies must be completed within sixty days of the survey completion date, unless an alternative schedule of correction has been approved by the department.
5. The department shall determine, based on the review of the facility's plan of correction, what followup is necessary to verify the correction of deficiencies has been completed. Followup may occur by telephone, mail, or onsite revisit.
6. The department shall make available to the public, on the department's website, the deficiency statement and accepted plan of correction, following verification of correction.

History: Effective January 1, 1995; amended effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02(1)

Law Implemented: NDCC 23-09.3-05

33-03-24.1-06. Enforcement actions.

1. Facilities are subject to one or more enforcement actions, which include a ban or limitation on admissions, suspension or revocation of a license, or a denial to license, for the following reasons:
 - a. Noncompliance with the requirements of this chapter or chapter 33-03-24.2 have been identified which:
 - (1) Present imminent danger to residents. These conditions or practices must be abated or eliminated immediately or within a fixed period of time as specified by the department;
 - (2) Have a direct or immediate negative relationship to the health, safety, or security of the residents; or
 - (3) Have a potential for jeopardizing resident health, safety, or security if left uncorrected.
 - b. Recurrence of the same or substantially same deficient practice in a thirty-six-month period.
 - c. Failure to provide an acceptable plan of correction or to correct any deficiency pursuant to an approved plan of correction.
 - d. Refusal to allow a survey of the facility by representatives of the department.
 - e. Gross incompetence, negligence, or misconduct in operating the facility as determined through department investigation or by a court of law.

- f. Fraud, deceit, misrepresentation, or bribery in obtaining or attempting to obtain a license.
 - g. Knowingly aiding and abetting in any way the improper granting of a license.
2. The effective date of the enforcement action must be ninety days from the date the department notifies the facility in writing of the department's decision to initiate an enforcement action, unless the department determines there is imminent danger to the residents.
 3. The notice to the facility must include the basis of the department's decision and the effective date of the enforcement action and must also advise the facility of their right to:
 - a. Request a review by the department.
 - (1) A request for a review by the department to verify correction of the deficient practices must be submitted by the facility to the department within forty-five days from the date the department notifies the facility in writing of its decision to initiate an enforcement action.
 - (2) The facility must submit written documentation to the department with the request for a review to verify correction of the deficient practices that were cited. The department shall determine, based on review of the documentation submitted, if an onsite revisit is warranted. The department review and onsite revisit, if conducted, must take place within sixty days of the date the department notified the facility in writing of its decision to initiate an enforcement action.
 - (3) If the department determines, based on the review of the facility documentation and the onsite revisit, if conducted, that the deficient practices have been corrected, the enforcement action may be halted. The department shall notify the facility in writing of the decision within ten days of this determination.
 - (4) If the department determines, based on the review of the facility documentation and the onsite revisit, if conducted, that the deficient practices were not corrected, the enforcement action will be imposed. If imposed, the enforcement action will, at a minimum, remain in effect until the department determines that the conditions leading to the enforcement action have been corrected.
 - b. Request a reconsideration of an enforcement action consistent with section 33-03-24.1-07.

4. If the department sustains the decision, the department shall publish a public notice in the local newspaper not less than fifteen days prior to the imposition of the enforcement action stating the name of the facility, the enforcement action to be imposed, the reason for the action, the date on which the enforcement action will be effective, and the length of time for which it will be imposed.
5. The department of human services and the county social service office in the county in which the facility is located will be notified in writing by the department regarding the enforcement action.

History: Effective January 1, 1995; amended effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02(1)

Law Implemented: NDCC 23-09.3

33-03-24.1-09. Governing body.

1. The governing body is legally responsible for the quality of resident services; for resident health, safety, and security; and to ensure the overall operation of the facility is in compliance with all applicable federal, state, and local laws.
2. The governing body is responsible for approval and implementation of effective resident care and administrative policies and procedures for the operation of the facility. These policies and procedures must be in writing, signed, dated, reviewed annually, and revised as necessary, and shall address:
 - a. All services provided by the facility to meet the needs of the residents, including admission, transfer, discharge, discharge planning, and referral services.
 - b. Protocols developed by appropriately licensed professionals for use in the event of serious health-threatening conditions, emergencies, or temporary illnesses. These protocols must include provisions for:
 - (1) Designation of a licensed health care practitioner for each resident and arrangements to secure the services of another licensed health care practitioner if the resident's designated licensed health care practitioner is not available.
 - (2) Notification of an appropriately licensed professional in the event of an illness or injury of a resident.
 - c. Provisions for pharmacy and medication services developed in consultation with a registered pharmacist, including:

- (1) Assisting residents in obtaining individually prescribed medications from a pharmacist of the resident's choice.
 - (2) Disposing of medications that are no longer used or are outdated, consistent with applicable federal and state laws.
 - (3) Allowing the resident to be totally responsible for the resident's own medication upon resident request and based on the assessment of the resident's capabilities with respect to this function by an appropriately licensed professional.
- d. Infection control practices, including provision of a sanitary environment and an active program for the prevention, investigation, management, and control of infections and communicable diseases in residents and staff members.
 - e. Prohibition of resident abuse, neglect, and misappropriation of resident property, including investigation, reporting to the department, and followup action.
 - f. Reporting a significant medication error to officials in accordance with state law. A significant medication error by a medication assistant I or II shall be reported to the department of health.
 - ~~f.~~ g. A process for handling complaints made by residents or on behalf of residents.
 - ~~g.~~ h. Resident rights which comply with North Dakota Century Code chapter 50-10.2.
 - ~~h.~~ i. Personnel policies to include checking state registries and licensure boards prior to employment for findings of inappropriate conduct, employment, disciplinary actions, and termination.
 - ~~i.~~ j. Personnel records to include job descriptions, verification of credentials where applicable, and records of training and education.
3. If the facility provides any clinical laboratory testing services to an individual, regardless of the frequency or the complexity of the testing the governing body is responsible to obtain and maintain compliance with the applicable parts of the clinical laboratory improvement amendments of 1988, 42 CFR part 493.
 4. The governing body shall appoint an administrator to be in charge of the general administration of the facility. Provisions must be made for a staff member to be identified in writing to be responsible for the onsite operation of the facility in the absence of the administrator.

5. The governing body shall ensure sufficient trained and competent staff are employed to meet the residents' needs. Staff must be in the facility, awake and prepared to assist residents twenty-four hours a day.

History: Effective January 1, 1995; amended effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02(1)

Law Implemented: NDCC 23-09.3-04

33-03-24.1-10. Fire safety. The fire safety provisions located in section 33-03-24.2-08 apply to this chapter.

- ~~1. The facility shall comply with the national fire protection association life safety code, 1988 edition, chapter twenty-one, residential board and care occupancy, slow evacuation capability, or a greater level of fire safety.~~
- ~~2. Fire drills must be held monthly with a minimum of twelve per year, alternating with all workshifts. Residents and staff, as a group, shall either evacuate the building or relocate to an assembly point identified in the fire evacuation plan. At least once a year, a fire drill must be conducted during which all staff and residents evacuate the building.~~
- ~~3. Fire evacuation plans must be posted in a conspicuous place in the facility.~~
- ~~4. Written records of fire drills must be maintained. These records must include dates, times, duration, names of staff and residents participating and those absent and why, and a brief description of the drill including the escape path used and evidence of simulation of a call to the fire department.~~
- ~~5. Each resident shall receive an individual fire drill walk-through within five days of admission.~~
- ~~6. Any variation to compliance with the fire safety requirements must be approved in writing by the department.~~
- ~~7. Residents of facilities meeting a greater level of fire safety must meet the fire drill requirements of that occupancy classification.~~

History: Effective January 1, 1995; amended effective July 1, 1996; October 1, 1998; July 1, 2015.

General Authority: NDCC 23-09.3-19

Law Implemented: NDCC 18-01-03.2, 23-09.3-09

33-03-24.1-22. General building requirements. ~~The facility must be operated in conformance with all state and local laws, rules, and ordinances concerning fire safety and sanitation.~~ Repealed effective July 1, 2015.

1. ~~Lounge and activity space must be provided at a minimum of fifteen square feet [1.39 square meters] per licensed bed for recreation, visiting, and an activity program. The lounge and activity area may be used to accommodate religious services and activities. Each lounge area for resident use must be provided with an adequate number of reading lamps, tables, and chairs or couches. These furnishings must be well-constructed and accommodate the needs of the residents.~~
2. ~~All corridors and stairways used by residents must have sturdy handrails on one side to provide for safety with ambulation.~~
3. ~~Kitchen. Dietary areas and equipment must be designed to accommodate the requirements for sanitary storage, processing, and handling.~~
4. ~~Dining area.~~
 - a. ~~A minimum of fifteen square feet [1.39 square meters] per licensed bed must be provided for dining. Activity and dining areas must be separate.~~
 - b. ~~Dining room furnishings must be well-constructed, comfortable, in good repair, and must accommodate the needs of the residents. There must be a sufficient number of tables of suitable design to accommodate the needs of all residents using wheelchairs.~~
5. ~~Resident bedrooms.~~
 - a. ~~All bedrooms used for residents must be dry, well-ventilated, naturally lighted, and otherwise suitable for occupancy. Each room must have direct access to a corridor and have an outside wall. Resident bedrooms licensed after the effective date of these rules must be at or above grade level.~~
 - b. ~~The glazed area of the window may not be less than one-tenth of the floor area of the room. Windows must be easily opened and must be provided with screens.~~
 - c. ~~Room size will vary depending on the number of beds, but minimum floor dimensions may not be less than ten feet [3.05 meters]. In computing floor area, only usable floor space may be included. Single rooms must provide at least one hundred square feet [9.29 square meters]. Double rooms must provide at least eighty square feet [7.43 square meters] per bed. Rooms for three or more persons must provide at least seventy square feet [6.50 square meters] per bed.~~
 - d. ~~Each resident must be provided with a bed. Cots, rollaways, or folding beds may not be used. Double beds may be used if~~

~~requested by the resident and there is adequate space. Each bed must be provided with springs in good repair and a clean, firm, comfortable mattress of appropriate size for the bed, as well as a minimum of one clean, comfortable pillow.~~

- ~~e. Each bedroom window must have window shades, or an equivalent, in good repair.~~
 - ~~f. Lighting levels to meet the needs of residents and to allow for reading and safety must be provided.~~
 - ~~g. Each bedroom must be provided with a mirror unless there is a mirror in a toilet room opening into the bedroom. Each resident lavatory must be provided with a mirror.~~
 - ~~h. For each bed there must be furnished a minimum of two adequately sized dresser drawers, a chair, a bedside table or stand, an individual towel rack, and closet, locker, or wardrobe space for hanging clothing within the room.~~
- ~~6. Toilet rooms and bathing facilities:~~
- ~~a. At least one toilet for every four residents or fraction thereof must be provided.~~
 - ~~b. Separate toilets for public use must be provided.~~
 - ~~c. Facilities housing residents using wheelchairs must provide at least one toilet room for every four residents using wheelchairs which is in compliance with the guidelines adopted in North Dakota Century Code section 54-21.3-04.1.~~
 - ~~d. A bathtub or shower equipped with grab bars must be available in a ratio of one for fifteen residents.~~
 - ~~e. Each bath and toilet room must be well-lighted.~~
- ~~7. The facility shall provide for adequate ventilation throughout to assure an odor-free, comfortable environment.~~
- ~~8. Office spaces and other areas must be furnished with desks, chairs, lamps, cabinets, benches, worktables, and other furnishings essential to the proper use of the area.~~

History: Effective January 1, 1995.

General Authority: NDCC 23-09.3-09, 28-32-02(1)

Law Implemented: NDCC 23-09.3-04

33-03-24.1-23. Optional end-of-life care service. A facility that intends to retain residents who require end-of-life care must comply with the requirements of this section, apply on an application as specified by the department, and receive written approval from the department prior to providing the services. The facility must meet the following requirements:

1. A facility may not retain residents who require more than intermittent nursing care unless the resident requires and elects to receive end-of-life care from a licensed and Medicare-certified hospice agency and the facility is licensed to provide end-of-life care.
2. A facility providing end-of-life care must employ or contract with a registered nurse to supervise resident care to meet the needs of the residents at all times, either directly or indirectly. The facility must employ a licensed nurse who is on the premises at least forty hours per week to identify and respond to resident needs, care plan accordingly, provide oversight related to care, and review and document the resident's individual needs and care provided.
3. Individuals in need of end-of-life care who require skilled nursing care or are not capable of self-preservation may not be admitted.
4. The facility and the licensed and Medicare-certified hospice agency shall enter into an agreement that delineates responsibilities, with the licensed and Medicare-certified hospice agency retaining the professional management responsibility for the hospice service.
5. The facility and licensed and Medicare-certified hospice agency in consultation with the resident shall develop and implement an interdisciplinary care plan that identifies how the resident's needs are met and includes the following:
 - a. What services are to be provided;
 - b. Who will provide the services, the facility or hospice agency;
 - c. How the services will be provided;
 - d. Delineation of the roles of facility staff and the hospice agency in the care plan process;
 - e. Documentation of the care and services that are provided with the signature of the person who provided the care and services; and
 - f. A list of the current medications or biologicals the resident receives and who is authorized to administer the medications.

6. The facility shall notify the department within forty-eight hours of election the name of the resident that has elected hospice, the date the hospice was elected, and the name of the hospice agency serving the resident.
7. The facility shall notify the department within forty-eight hours of the hospice resident's discharge, transfer, death, or when the resident is no longer capable of self-preservation.
8. A facility that retains a resident requiring end-of-life care that is not capable of self-preservation shall be equipped with an approved automatic sprinkler system designed to comply with the national fire protection association standard 13 or 13R, or shall meet the national fire protection association 101 Life Safety Code, 2012 edition, health care occupancy requirements.
9. Facility evacuation or E scores shall be completed at a minimum of weekly and when there is a significant change in the resident's capability for self evacuation when a resident is receiving end-of-life care. Facility staffing must be adjusted consistent with the E scores to maintain a slow evacuation capability. Hospice staff, family members, volunteers, or other nonfacility staff cannot replace required facility staff.
10. A facility approved to provide end-of-life care shall ensure training and competency evaluation is completed for all nursing and personal care staff members specific to the care and services necessary to meet the needs of the terminally ill resident, and the hospice philosophy and services. The training and competency evaluation may be completed, and documented, by the facility registered nurse, a registered nurse consultant, or a hospice agency nurse. Nursing and personal care staff members shall complete the above training and competency evaluation:
 - a. Prior to facility approval from the department to provide end-of-life care;
 - b. Within thirty days of employment; and
 - c. Annually.
11. A facility that intends to retain residents who require end-of-life care shall comply with the additional requirements in this section and request and receive approval on a printed new license from the department, prior to providing end-of-life care to residents.
12. The facility approved and licensed to retain residents in need of end-of-life care remains responsible for the appropriate delivery of end-of-life care in coordination with the licensed and Medicare-certified hospice agency. If the facility is unable, or becomes unable, to meet the needs of the resident requiring end-of-life care, the resident rescinds election of the hospice benefit, or the facility is unable to comply with

these requirements, the facility shall promptly make arrangements to discharge or transfer the resident to a safe and appropriate placement consistent with the level of care required to meet the resident's needs.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-04, 23-09.3-09

CHAPTER 33-03-24.2
GENERAL STANDARD FOR CONSTRUCTION AND EQUIPMENT FOR BASIC
CARE FACILITIES

Section

<u>33-03-24.2-01</u>	<u>Definitions</u>
<u>33-03-24.2-02</u>	<u>Waiver Provision</u>
<u>33-03-24.2-03</u>	<u>Access and Surveillance by the Department</u>
<u>33-03-24.2-04</u>	<u>Plans of Correction</u>
<u>33-03-24.2-05</u>	<u>Emanating Services</u>
<u>33-03-24.2-06</u>	<u>Plans and Specifications</u>
<u>33-03-24.2-07</u>	<u>Codes and Standards</u>
<u>33-03-24.2-08</u>	<u>Fire Safety</u>
<u>33-03-24.2-09</u>	<u>General Building Requirements</u>

33-03-24.2-01. Definitions. The definitions located in section 33-03-24.1-01 apply to this chapter.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-09

33-03-24.2-02. Waiver provision. The waiver provision located in section 33-03-24.1-04 applies to this chapter.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-09

33-03-24.2-03. Access and surveillance by the department. The provisions located in section 33-03-24.1-03 apply to this chapter.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-04, 23-09.3-05

33-03-24.2-04. Plans of correction. The provisions located in section 33-03-24.1-05 apply to this chapter.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-09

33-03-24.2-05. Emanating services.

1. Sufficient information on the design of other types of facilities physically attached to the basic care facility must be submitted to the department so as to determine that safety from fire and the adequacy of the spaces and services of the facility are not compromised.

2. Occupants of other types of facilities may use service spaces, such as dining and activities in the facility only when the size of such spaces exceeds the standards of this chapter by providing a minimum of fifteen square feet per additional occupant using the space.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-09

33-03-24.2-06. Plans and specifications.

1. A facility shall contact the department prior to any substantial changes in or alterations to any portion of the structure to determine to what extent it is subject to review. A substantial change includes alterations affecting the fire safety or structural integrity of the building, changes in service areas or services provided within a service area, changes in bed capacity, or any other change governed by the standards of this chapter. The department may request plans, specifications, or other information as may be required and shall make the final determination on those areas subject to review.
2. A facility shall submit plans and specifications to the department for all construction, remodeling, and installations subject to review. The plans and specifications must be prepared by an architect or engineer licensed in North Dakota, unless otherwise determined by the department.
3. Start of construction prior to approval by the department of the final plans and specifications is not permitted.
4. All construction, remodeling, and installations must be in accordance with the final plans and specifications approved by the department. Modifications or deviations from the approved plans and specifications must be submitted to and approved by the department.
5. The department may make inspections of construction, remodeling, or installations and arrange conferences with the facility to ensure conformance with approved plans and specifications.
6. The construction specifications must require the contractor to perform tests to ensure all systems conform to the approved plans and specifications.
7. Routine maintenance does not require the submission of plans and specifications. For the purpose of this subsection, routine maintenance

means repair or replacement of existing equipment, room finishes and furnishings, and similar activities.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-09

33-03-24.2-07. Codes and standards.

1. A basic care facility must be designed, constructed, equipped, maintained, and operated in compliance with:
 - a. This chapter:
 - b. The Guidelines for Residential Health, Care and Support Facilities, 2014 edition, compiled by the facility guidelines institute:
 - c. The national fire protection association 101 Life Safety Code, 2012 edition:
 - d. North Dakota Century Code section 54-21.3-04.1, relating to accessibility for disabled persons:
 - e. The requirements for food and beverage establishments issued by the department:
 - f. North Dakota Administrative Code article 62-03.1 relating to plumbing standards:
 - g. North Dakota Administrative Code article 24-02 relating to electrical wiring standards:
 - h. North Dakota Administrative Code article 45-12 relating to boiler rules and regulations:
 - i. North Dakota Administrative Code article 33-15 governing air pollution control, relating to incinerators; and
 - j. North Dakota Administrative Code article 33-10 relating to radiological health.
2. A basic care facility must comply with all applicable building codes, ordinances, and rules of city, county, or state jurisdictions.
3. These standards are established to bring about a desired performance result. If specific limits are prescribed, equivalent solutions may be

acceptable if approved in writing by the department as meeting the intent of these standards.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-09

33-03-24.2-08. Fire safety.

1. The basic care facility shall comply with the national fire protection association Life Safety Code, 2012 edition, chapters 32 and 33, residential board and care occupancy, slow evacuation capability, or a greater level of fire safety.
2. Fire drills must be held monthly with a minimum of twelve per year, alternating with all workshifts. Residents and staff, as a group, shall either evacuate the building or relocate to an assembly point identified in the fire evacuation plan. At least once a year, a fire drill must be conducted during which all staff and residents evacuate the building.
3. Fire evacuation plans must be posted in a conspicuous place in the facility.
4. Written records of fire drills must be maintained. These records must include dates, times, duration, names of staff and residents participating and those absent and why, and a brief description of the drill, including the escape path used and evidence of simulation of a call to the fire department.
5. Each resident shall receive an individual fire drill walk-through within five days of admission.
6. Any variation to compliance with the fire safety requirements must be approved in writing by the department.
7. Residents of facilities meeting a greater level of fire safety must meet the fire drill requirements of that occupancy classification.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 18-01-03.2, 23-09.3-09

33-03-24.2-09. General building requirements. The basic care facility must be operated in conformance with all state and local laws, rules, and ordinances concerning fire safety and sanitation.

1. Lounge and activity space must be provided at a minimum of fifteen square feet [1.39 square meters] per licensed bed for recreation, visiting, and an activity program. The lounge and activity area may be

used to accommodate religious services and activities. Each lounge area for resident use must be provided with an adequate number of reading lamps, tables, and chairs or couches. These furnishings must be well-constructed and accommodate the needs of the residents.

2. Kitchen. Dietary areas and equipment must be designed to accommodate the requirements for sanitary storage, processing, and handling.

3. Dining area.

a. A minimum of fifteen square feet [1.39 square meters] per licensed bed must be provided for dining. Activity and dining areas must be separate.

b. Dining room furnishings must be well-constructed, comfortable, in good repair, and must accommodate the needs of the residents. There must be a sufficient number of tables of suitable design to accommodate the needs of all residents using wheelchairs.

4. Resident bedrooms.

a. All bedrooms used for residents must be dry, well-ventilated, and otherwise suitable for occupancy. Each room must have direct access to a corridor and have an outside wall with natural light provided by a window. Resident bedrooms licensed after the effective date of these rules must be at or above grade level.

b. The glazed areas of the window may not be less than one-tenth of the floor area of the room. Windows must be easily opened and must be provided with screens. Windows may have stops to prevent full opening that could result in accidental falls or unintended exiting from window openings.

c. Room size will vary depending on the number of beds, but minimum floor dimensions may not be less than ten feet [3.05 meters]. In computing floor area, only usable floor space may be included. Single rooms must provide at least one hundred square feet [9.29 square meters]. Double rooms must provide at least eighty square feet [7.43 square meters] per bed.

d. Each resident must be provided with a bed and mattress. Cots, rollaways, or folding beds may not be used. Double beds may be used if requested by the resident and there is adequate space. Each bed must be provided with springs in good repair and a clean, firm, comfortable mattress of appropriate size for the bed, as well as a minimum of one clean, comfortable pillow.

- e. Each bedroom window must have window shades, or an equivalent, in good repair.
 - f. Light levels to meet the needs of residents and to allow for reading and safety must be provided.
 - g. Each bedroom must be provided with a mirror unless there is a mirror in a toilet room opening into the bedroom. Each resident lavatory must be provided with a mirror. Bedrooms or bathrooms in a secured unit or secured facility may or may not have mirrors based on the assessment of the resident.
 - h. For each bed there must be furnished a minimum of two adequately sized dresser drawers, a chair, a bedside table or stand, an individual towel rack, and closet, locker, or wardrobe space for hanging clothing within the room.
5. Toilet rooms and bathing facilities.
- a. Separate toilets for public use must be provided.
 - b. Each bath and toilet room must be well-lighted.
6. The facility shall provide for adequate ventilation throughout to assure an odor-free, comfortable environment.
7. Office spaces and other areas must be furnished with desks, chairs, lamps, cabinets, benches, worktables, or other furnishings essential to the proper use of the area.

History: Effective July 1, 2015.

General Authority: NDCC 23-09.3-09, 28-32-02

Law Implemented: NDCC 23-09.3-04

CHAPTER 33-07-02.1
GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT FOR
HOSPITALS

Section	
33-07-02.1-01	Site
33-07-02.1-02	Plans and Specifications
33-07-02.1-03	Codes and Standards
33-07-02.1-04	Special Considerations
33-07-02.1-05	Patient Rooms
33-07-02.1-06	Details
<u>33-07-02.1-07</u>	<u>Conflict With Federal Requirements</u>

33-07-02.1-03. Codes and standards.

1. Hospitals must be designed, constructed, equipped, maintained, and operated in compliance with:
 - a. This chapter.
 - b. ~~The Guidelines for Construction and Equipment of Hospital and Medical Facilities, 1992-93 Edition, compiled by the American institute of architects committee on architecture for health~~ Hospitals and Outpatient Facilities, 2014 edition, compiled by the facility guidelines institute.
 - c. The national fire protection association 101 Life Safety Code, 1985 2012 Edition.
 - d. North Dakota Century Code section 54-21.3-04.1, relating to accessibility for disabled persons.
 - e. ~~Chapter 33-09-03 relating to certificate of need.~~ The requirements for food and beverage establishments issued by the department.
 - f. ~~Chapter 47-04-03.1 relating to sanitary requirements for food establishments.~~
 - g. ~~f.~~ Article 62-03 62-03.1 relating to plumbing standards.
 - h. ~~g.~~ Article 24-02 relating to electrical wiring standards.
 - i. ~~h.~~ ~~The rules adopted by the insurance commissioner relating to boiler inspection.~~ Article 45-12 relating to boiler rules and regulations.
 - j. ~~i.~~ Article 33-15 governing air pollution control, relating to incinerators.
 - k. ~~j.~~ Article 33-10 relating to radiological health.

2. Hospitals shall comply with all applicable building codes, ordinances, and rules of city, county, or state jurisdictions.
3. These minimum standards are established to bring about a desired performance result. If specific limits are prescribed, equivalent solutions will be acceptable if they are approved in writing by the department as meeting the intent of these standards.

History: Effective April 1, 1994; amended effective July 1, 2015.

General Authority: NDCC 23-01-03(3)(4), 28-32-02

Law Implemented: NDCC 23-16-05

33-07-02.1-07. Conflict with federal requirements. If any part of this chapter is found to conflict with federal requirements, the more stringent shall apply. Such a finding or determination shall be made by the department and shall not affect the remainder of this chapter.

History: Effective July 1, 2015.

General Authority: NDCC 23-01-03, 28-32-02

Law Implemented: NDCC 23-16-05

CHAPTER 33-07-04.2

33-07-04.2-09. Codes and standards.

1. A nursing facility must be designed, constructed, equipped, maintained, and operated in compliance with:
 - a. This chapter;
 - b. ~~The guidelines for construction and equipment of hospital and medical facilities, 1992-93 edition, compiled by the American institute of architects committee on architecture for health with the exception of the section related to design temperatures~~ Guidelines for Residential Health, Care and Support Facilities, 2014 edition, compiled by the facility guidelines institute;
 - c. The national fire protection association 101 ~~life safety code~~ Life Safety Code, 1985 2012 edition;
 - d. North Dakota Century Code section 54-21.3-04.1, relating to accessibility for disabled persons;
 - e. ~~The food service sanitation manual~~ requirements for food and beverage establishments issued by the department;
 - f. ~~Article 62-03~~ North Dakota Administrative Code article 62-03.1 relating to plumbing standards;
 - g. ~~Article~~ North Dakota Administrative Code article 24-02 relating to electrical wiring standards;
 - h. ~~Article~~ North Dakota Administrative Code article 45-12 relating to boiler rules and regulations;
 - i. ~~Article~~ North Dakota Administrative Code article 33-15 governing air pollution control, relating to incinerators; and
 - j. ~~Article~~ North Dakota Administrative Code article 33-10 relating to radiological health.
2. A nursing facility must comply with all applicable building codes, ordinances, and rules of city, county, or state jurisdictions.
3. These standards are established to bring about a desired performance result. If specific limits are prescribed, equivalent solutions may be

acceptable if approved in writing by the department as meeting the intent of these standards.

History: Effective July 1, 1996; amended effective July 1, 2015.

General Authority: NDCC 23-01-03, 28-32-02

Law Implemented: NDCC 23-16-01, 28-32-02

TITLE 37
DEPARTMENT OF TRANSPORTATION

JULY 2015

CHAPTER 37-03-01

37-03-01-05. Operators not to be licensed - Exceptions and requirements.

1. The privilege of holding a motor vehicle operator's license shall be denied to any person who has experienced convulsions, seizures, blackouts or fainting spells ~~due to a cardiovascular condition, epilepsy, or by metabolic diseases, including diabetes mellitus, in which loss of consciousness occurred.~~ The denial shall occur at the time of application, pursuant to North Dakota Century Code section 39-06-03, or through license suspension, pursuant to North Dakota Century Code sections 39-06-24, 39-06-32, and 39-06-34.
2. A person who has experienced the episodes described in subsection 1 may be issued a restricted operator's license or permit pursuant to North Dakota Century Code sections 39-06-06 and 39-06-17, if:
 - a. The person has been free of the episodes for at least three consecutive months and submits a statement to that effect to the director; and
 - b. The person submits to the director a written certification from the person's treating physician indicating that:
 - (1) The condition causing the episodes is adequately controlled;
 - (2) The person has been free of episodes for at least three months; and
 - (3) Operation of a motor vehicle by the person will not be inimical to public safety or welfare.

Every permit or license issued under this subsection may be periodically reviewed by the director until the person has been free of episodes for at least six months.

3. A person who has been free of the episodes described in subsection 1 for at least six consecutive months will be granted an operator's license if:
 - a. The person submits a statement to the director indicating that the person has been free of episodes for at least six consecutive months; and
 - b. The person submits to the director a written certification from the person's treating physician indicating that, based upon an examination of the person, the items required in paragraphs 1 and 3 of subdivision b of subsection 2 have been met by the person, the person has been free of episodes for at least six consecutive months, and that the physician is of the opinion that the person is able and willing to cooperate in the treatment of the conditions causing the episodes.
4. Any person issued an operator's license or permit pursuant to subsection 2 or 3 shall submit to the director a periodic reevaluation form available from the director. The reevaluation form shall be submitted to the director every twelve months, or more often if required by the director, after issuance of a license or permit under subsection 2 or 3. The form shall contain the information prescribed by the director, and the person shall be required to furnish all information requested. The form shall include provision for the opinion of the person's treating physician that the person's condition continues to be controlled and that the operation of a motor vehicle by the person will not be inimical to public safety or welfare.
5. A person having had the episodes described in subsection 1 will not be required to submit further periodic reevaluation forms if the person:
 - a. Submits to the director a statement that the person has not taken any medication to control episodes for three consecutive years, and has had no episodes for three consecutive years; and
 - b. Submits to the director a written certification from the person's treating physician or physicians that, for three consecutive years, the person has not had any episodes. The total of the treatment periods, if more than one physician has treated the person, must equal three consecutive years without episodes.
6. A single episode of the type described in subsection 1 shall be treated as only an isolated occurrence if the opinion of the treating physician establishes that it was an isolated incident and not likely to recur. The director shall consider the opinion of the treating physician in determining whether, upon all the evidence, it is safe to permit or license the person for the operation of a motor vehicle without the three-month waiting period.

7. The director shall use the reports required to be filed under this section to make determinations on licensure. Episodes medically induced shall not be considered in determining whether to license a person under this section. When the records of the director show lack of compliance with the requirements of this section by any person, the director may suspend forthwith the license of that person pursuant to North Dakota Century Code sections 39-06-32 and 39-06-34.
8. Except as provided in North Dakota Century Code section 39-08-21, the driver of a commercial class A, B, or C motor vehicle shall comply with the federal motor carrier regulations in 49 CFR sections 391.41(a) and 391.41(b) paragraphs (3) through (9) and (11) through (13).

History: Effective January 1, 1979; amended effective July 1, 1981; May 1, 1994; July 1, 2015.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-06-03, 39-06-34

TITLE 62
STATE BOARD OF PLUMBING

JULY 2015

CHAPTER 62-03.1-02

62-03.1-02-02. Uniform Plumbing Code - Exceptions and modifications.

The following chapters and appendices of the Uniform Plumbing Code are modified as follows:

1. **Administration.** Add to 101.5.6 the words "or within" after the word "into". The following subsections do not apply: 103.1 through 103.4; 103.5.1.2, 103.5.3.1, 103.5.6, and table 1-1.
2. **Definitions.** Add to 211.0: "Inspection report" means a notice, written by a plumbing inspector to the person responsible for the plumbing installation, describing work inspected and stating violations and noncompliance of rules and regulations as listed, which must be corrected within a designated time.

Add to 218.0: "Plumbing installation certificate" means a document consisting of one or more copies certifying that certain plumbing installations, plumbing fixtures, plumbing appliances, and other appurtenances were installed in conformity with the rules and regulations of the plumbing board. "Permit" as used in the Uniform Plumbing Code has the same meaning as plumbing installation certificate.

"Plumbing" add to definition: Maintenance does not include making repairs to faucets, valves, appliances, and fixtures, or removal of stoppages in waste or drainage pipes. See also North Dakota Century Code section 43-18-01.

"Plumbing system": Not included in this definition are medical gas and medical vacuum systems, liquid and fuel gas piping, and vents for water heaters.

3. **General regulations.** Add to 313.2: When a water heater is located in an attic, attic-ceiling assembly, floor-ceiling assembly, or floor-subfloor assembly where damage results from a leaking water heater, a

watertight pan of corrosion-resistant materials shall be installed beneath the water heater with not less than three-quarters of an inch [19.05 millimeters] diameter drain to an approved location. Add to 313.6: Water service piping must be installed with a minimum earth cover of seven feet [2.13 meters]. Minimum earth cover for building sewers must be four feet [1.22 meters].

Subsection 313.12.4 does not apply.

4. **Plumbing fixtures and fixture fittings.** Add to 402.4: Mixing-type hand-closing faucets may be installed on lavatories for public use. Lavatories must have waste outlets not less than one and one-fourth inches [31.75 millimeters] in diameter, with open strainers.

Add to 405.2: Urinals with nonintegral traps shall be prohibited.

Add to 408.1: Water closets in private rooms of hotels, motels, dormitories, and boarding houses must be of the elongated bowl type.

Delete table 4-1 from 412.1 and add table 2902.1 of the most recently state-adopted International Building Code, with the following modifications: References on table 2902.1 to sections of the International Building Code and International Plumbing Code do not apply.

Add to Note a: Types of occupancies not shown on this table shall be considered individually by the administrative authority. The occupant load shall be composed of fifty percent of each sex.

Add the following notes:

Drinking fountains. There shall be a minimum of one drinking fountain per occupied floor in schools, theaters, auditoriums, dormitories, and businesses. Where food is consumed indoors, water stations may be substituted for drinking fountains. Where bottled water coolers are provided, drinking fountains shall not be required. Drinking fountains shall not be required in occupancies with less than thirty persons. Drinking fountains shall not be installed in toilet rooms.

Urinals. The provision of urinals may offset water closets otherwise required but the number of water closets required may not be reduced in this manner by more than fifty percent. Walls and floors within two feet [609.6 millimeters] of the sides and front of urinals must be finished with a smooth, hard, nonabsorbent finish.

Lavatories. Where circular or similar handwashing appliances are provided, twenty-four lineal inches [609.6 millimeters] of wash sink or eighteen inches [457.2 millimeters] of a circular basin, when provided

with water outlets for such space, shall be considered equivalent to one lavatory.

Restaurant. For the purpose of this table, a restaurant is defined as a business that sells food to be consumed on premises. The number of occupants for a drive-in restaurant shall be considered as equal to the number of parking stalls. A hand sink is required to be available to employees in a restaurant or other food preparation occupancy.

Subsection 414.5 does not apply.

Toilet facilities. Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

Kitchen. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

Sewage disposal. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

Water supply to fixtures. All plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs, and washing machine outlets shall be provided with hot and cold water.

5. **Water heaters.** Does not apply.
6. **Water supply and distribution.** Add to 602.4. Every building intended for human habitation, occupancy, or use, and located on premises where public water is available, must be connected to such public water. Public water is considered available if located within two hundred feet [60.96 meters] from any proposed building required to have potable water located on any lot or premises which abuts and is served by public water.

Delete from 604.2 exception: or underground outside of structures.

Delete from 604.8 exception: Plastic materials for water service piping outside underground shall have a blue insulated copper tracer wire or other approved conductor installed adjacent to the piping. Access shall be provided to the tracer wire or the tracer wire shall terminate aboveground at each end of the nonmetallic piping. The tracer wire size shall be not less than eighteen AWG and the insulation type shall be suitable for direct burial.

Add to 604.10: new heading "Lead Content"; also add additional sentences to the end of the paragraph: Effective January 4, 2014, the maximum allowable lead content shall not exceed a weighted average of twenty-five hundredths percent with respect to wetted surfaces of

pipes, pipe fittings, plumbing fittings, and fixtures used to convey or dispense water for human consumption.

Add to 605.2: Each building water supply shall be provided with a fullway valve installed on the inlet side of each water meter. Valves up to and including two inches [50.8 millimeters] in size must be a ball valve.

Add to 605.3: Wall hydrants must be separately controlled by an accessible valve inside the building.

7. **Sanitary drainage.** Add to 705.1.6. For aboveground installations an approved shielded coupling must be used to prevent outward expansion.

Delete from 712.1: Except that plastic pipe shall not be tested with air. Add to table 7-1, under reference standards column for PVC, SDR 35 ASTM 3034 or heavier. Note 1.

Delete from 723.0: Plastic drainage waste and vent (DWV) piping systems shall not be tested by the air test method.

8. **Indirect wastes.** Add to 807.4 or the discharge line from the dishwasher may be looped up and securely fastened to the underside of the counter.

9. **Vents.** Subsections 908.2.1, 908.2.2, and 908.2.3 do not apply: Replace 908.2.1 with an individually vented lavatory in a single bathroom or single toilet room shall be permitted to serve as the wet vent for one water closet and one bathtub or shower stall, or one water closet and one bathtub and shower combination if all of the following conditions are met:

- a. The wet vent, and the dry vent extending from the wet vent, shall be two inches [50.8 millimeters] minimum pipe size.
- b. The wet vent pipe opening shall not be below the weir of the trap that it serves. Vent sizing, grades, and connections shall comply with sections 904.0 and 905.0.
- c. The horizontal branch drain serving both the lavatory and the bathtub or shower stall shall be two inches [50.8 millimeters] minimum pipe size.
- d. The length of the trap arm from the bathtub or shower stall complies with the limits in table 10-1.
- e. The distance from the outlet of the water closet to the connection of the wet vent complies with the limits in table 10-1.

- f. The horizontal branch drain serving the lavatory and the bathtub or shower stall shall connect to the horizontal water closet branch above its centerline. When the bathroom or toilet room is the topmost load on a stack, the horizontal branch serving the lavatory and the bathtub or shower stall shall be permitted to connect to the stack below the water closet branch.
- g. No fixture other than those listed in L 6.2.1 shall discharge through a single bathroom or single toilet room wet-vented system.

Replace 908.2.2 with: Double Bathtubs, Bathtub and Shower Combinations, Shower Stalls, and Lavatories.

Two lavatories, each rated at 1.0 drainage fixture unit, and two bathtubs, bathtub and shower combinations or shower stalls, installed in adjacent bathrooms, shall be permitted to drain to a horizontal drain branch that is two inches [50.8 millimeters] minimum pipe size, with a common vent for the lavatories and no individual vents for the bathtubs, bathtub and shower combinations or shower stalls, provided that the wet vent from the lavatories and their dry vent is two inches [50.8 millimeters] minimum pipe size and the length of all trap arms comply with the limits in table 10-1.

Add to 909.0. A combination waste and vent system may also be used for island sinks. The vertical waste pipe must be the same size as required for the combination waste and vent. The fixture trap size must be as required by chapter 7.

Subsection 910.2 does not apply.

- 10. **Traps and interceptors.** No change.
- 11. **Storm drainage.** No change.
- 12. **Fuel piping.** Does not apply.
- 13. **Health care facilities and medical gas and vacuum systems.** Does not apply.
- 14. **Referenced standards.** No change.
- 15. **Firestop protection.** Does not apply.
- 16. **Nonpotable water reuse systems.** No change.
- 17. **Appendix E, manufactured or mobile home parks and recreational vehicle parks.** Add to E1.0 water and sewer connections under the manufactured home may be made by individuals certified by the North

Dakota department of commerce in accordance with the North Dakota manufactured home installation guidelines.

Part D does not apply.

18. **Appendix L.** Delete from L8.1 circuit venting shall be designed by a registered professional engineer as an engineered design.

History: Effective March 1, 2000; amended effective March 1, 2002; April 1, 2010; January 1, 2014; July 1, 2015.

General Authority: NDCC 43-18-09

Law Implemented: NDCC 43-18-09

CHAPTER 62-03.1-03

62-03.1-03-01. General provisions.

1. All sewage treatment systems shall be constructed, added to, or altered in accordance with this chapter. When a public or noncommunity sewerage system is deemed available to a premise used for human occupancy if such premise is within two hundred feet [60.96 meters], the approving authority shall require that sewage be discharged into that system.
2. Where public or noncommunity sewage treatment systems are not available and construction of an individual sewage treatment system is contemplated for a building of human occupancy or use or addition to, or alteration of any existing sewage treatment system, the master plumber or sewer and water contractor, or septic system installer, previous to beginning any construction may be required to make application to the local or district health units for a written permit to make the desired installation.
3. "Sewage treatment" under this section means all private methods of collecting and disposing of domestic sewage including septic tanks, privies, chemical toilets, and any others.
4. All domestic sewage shall be disposed of by an approved method of collection, treatment, and effluent discharge. Domestic sewage or sewage effluent shall not be disposed of in any manner that will cause pollution of the ground surface, ground water, bathing area, lake, pond, watercourse, or create a nuisance. It shall not be discharged into any abandoned or unused well, or into any crevice, sink hole, or other opening either natural or artificial in a rock formation.
5. Where water under pressure is not available, all human body wastes shall be disposed of by depositing them in approved privies, chemical toilets, or such other installations acceptable to the administrative authority.
6. Water-carried sewage from bathrooms, kitchens, laundry fixtures, and other household plumbing shall pass through a septic or other approved sedimentation tank prior to its discharge into the soil or into an alternative system. Where underground disposal for treatment is not feasible, consideration will be given to special methods of collection and disposal.
7. The building contractor, owner, plumbing contractor, or disposal system installer are jointly responsible for compliance with this chapter.

8. Abandoned disposal systems, septic tanks, pumping and other chambers, and seepage beds shall be disconnected from the buildings. The tanks and chambers shall be pumped out and filled with earth.
9. No property shall be improved in excess of its capacity to properly absorb sewage effluent in the quantities and by the means provided in this code.
10. When there is insufficient lot area or improper soil conditions for adequate sewage treatment for the building or land use proposed, and the administrative authority so finds, no building permit shall be issued and no private sewage treatment shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the administrative authority have been submitted and approved or a private sewage treatment system complying with the provisions of this article has first been designed.
11. Nothing contained in this chapter shall be construed to prevent the administrative authority from requiring compliance with higher requirements than those contained herein where such higher requirements are essential to maintain a safe and sanitary condition.
12. "Administrative authority" under this section means the ~~North Dakota state plumbing board~~, North Dakota state department of health, district health units, or county or city health departments ~~which~~ that have expertise in onsite sewage treatment systems, or individual official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of this chapter.
13. "Continuing education" under this section means a structured, professionally presented curriculum dealing with onsite sewage treatment systems sanctioned wholly or in part by the administrative authority.
14. "Installer" under this section means an individual or contractor that engages in the construction of onsite sewage treatment systems. Homeowners who work on their own systems are not included in this definition.
15. "Mottled soil" under this section means soil from a soil boring which is marked with spots of contrasting colors. Any soil having spots of contrasting colors is considered to be mottled.
16. "Sewage treatment" under this section means all private methods of collecting and disposing of domestic sewage including septic tanks, privies, chemical toilets, and any others.

17. A "chamber or pump chamber" under this section means a watertight receptacle for receiving effluent from the septic tank which will be used for placement of an effluent grade pump to distribute that effluent to the treatment area.
18. "Noncommunity" under this section means a collector system for sewage disposal serving a group of homes which uses lagoons or other collective methods of disposal and treatment which are not otherwise regulated by the environmental protection agency or state regulations.

History: Effective March 1, 2000; amended effective July 1, 2015.

General Authority: NDCC 43-18-09

Law Implemented: NDCC 43-18-09

TITLE 75
DEPARTMENT OF HUMAN SERVICES

JULY 2015

CHAPTER 75-02-04.1

75-02-04.1-01. Definitions.

1. "Child" means any child, by birth or adoption, to whom a parent owes a duty of support.
2. "Child living with the obligor" means the obligor's child who lives with the obligor most of the year.
3. "Children's benefits" means a payment, to or on behalf of a child of the person whose income is being determined, made by a government, insurance company, trust, pension fund, or similar entity, derivative of the parent's benefits or a result of the relationship of parent and child between such person and such child. Children's benefits do not mean benefits received from public assistance programs that are means tested or provided in the form of subsidy payments made to adoptive parents.
4. a. "Gross income" means income from any source, in any form, but does not mean:
 - (1) Benefits received from public assistance programs that are means tested such as the temporary assistance for needy families, supplemental security income, and supplemental nutrition assistance programs, or that are provided in the form of subsidy payments made to adoptive parents;
 - (2) Employee benefits over which the employee does not have significant influence or control over the nature or amount unless:
 - (a) That benefit may be liquidated; and
 - (b) Liquidation of that benefit does not result in the employee incurring an income tax penalty;

- (3) Child support payments; or
 - (4) Atypical overtime wages or nonrecurring bonuses over which the employee does not have significant influence or control;
 - (5) Overseas housing-related allowances paid to an obligor who is in the military to the extent those housing-related allowances exceed the housing allowance in effect at the Minot air force base; or
 - (6) Nonrecurring capital gains.
- b. Examples of gross income include salaries, wages, overtime wages, commissions, bonuses, employee benefits, currently deferred income, dividends, severance pay, pensions, interest, trust income, annuities income, gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, distributions of retirement benefits, receipt of previously deferred income to the extent not previously considered in determining a child support obligation for the child whose support is under consideration, veterans' benefits (including gratuitous benefits), gifts and prizes to the extent they annually exceed one thousand dollars in value, spousal support payments received, refundable tax credits, value of in-kind income received on a regular basis, children's benefits, income imputed based upon earning capacity, military subsistence payments, and net income from self-employment.
- c. For purposes of this subsection, income tax due or paid is not an income tax penalty.
5. "In-kind income" means the receipt from employment or income-producing activity of any valuable right, property or property interest, other than money or money's worth, including forgiveness of debt (other than through bankruptcy), use of property, including living quarters at no charge or less than the customary charge, and the use of consumable property or services at no charge or less than the customary charge.
6. "Net income" means total gross annual income less:
- a. A hypothetical federal income tax obligation based on the obligor's gross income, reduced by that part of the obligor's gross income that is not subject to federal income tax and reduced by deductions allowed in arriving at adjusted gross income under the Internal Revenue Code, and applying:
 - (1) The standard deduction for the tax filing status of single;

- (2) One exemption for the obligor;
- (3) (a) One additional exemption for each child, as defined in this section, that the obligor is allowed to claim pursuant to a court order unless the obligor and obligee alternate claiming the exemption for the child pursuant to the court order, in which case, an amount equal to one-half of the exemption; and
 - (b) For each child, as defined in this section, for whom there is no court order allocating the exemption or for whom it is unknown whether there is such an order, an amount equal to one-half of the exemption if that child is actually claimed on a disclosed tax return or an amount equal to one-half of the exemption if a tax return is not disclosed; and
- (4) Tax tables for a single individual for the most recent year published by the internal revenue service, reduced by ~~one child tax credit for each child's exemption considered under paragraph 3, provided such child is a qualifying child for purposes of the child tax credit;~~
 - (a) One child tax credit for each child's exemption considered under paragraph 3, provided such child is a qualifying child for purposes of the child tax credit; and
 - (b) An amount equal to one-half of the child tax credit for each child for whom one-half of an exemption is considered under paragraph 3; provided the child is a qualifying child for purposes of the child tax credit;
- b. A hypothetical state income tax obligation equal to fourteen percent of the amount determined under subdivision a without reduction for child tax credits;
- c. A hypothetical obligation for Federal Insurance Contributions Act (FICA), Railroad Retirement Tax Act (RRTA) tier I and tier II, medicare, and self-employment tax obligations based on that part of the obligor's gross income that is subject to FICA, RRTA, medicare, or self-employment tax under the Internal Revenue Code;
- d. A portion of premium payments, made by the person whose income is being determined, for health insurance policies or health service contracts, including coverage for dental and vision care, intended to afford coverage for the child or children for whom support is being sought, determined by:

- (1) If the cost of single coverage for the obligor and the number of persons associated with the premium payment are known:
 - (a) Reducing the premium payment by the cost for single coverage for the obligor;
 - (b) Dividing the difference by the total number of persons, exclusive of the obligor, associated with the premium payment; and
 - (c) Multiplying the result times the number of insured children for whom support is being sought; or
 - (2) If the cost of single coverage for the obligor is not known:
 - (a) Dividing the payment by the total number of persons covered; and
 - (b) Multiplying the result times the number of insured children for whom support is being sought;
- e. Payments made on actual medical expenses of the child or children for whom support is sought to the extent it is reasonably likely similar expenses will continue;
- f. Union dues and occupational license fees if required as a condition of employment;
- g. Employee retirement contributions, deducted from the employee's compensation and not otherwise deducted under this subsection, to the extent required as a condition of employment;
- h. ~~Employee~~ Subject to documentation, unreimbursed employee expenses for special equipment or clothing required as a condition of employment or for lodging expenses incurred when engaged in travel required as a condition of employment (limited to sixty-three dollars per night); and:
- (1) Special equipment or clothing required as a condition of employment;
 - (2) Lodging expenses incurred when engaged in travel required as a condition of employment (limited to eighty-three dollars per night); or
 - (3) Noncommuting mileage incurred for driving a personal vehicle between work locations when required as a condition of employment, computed at the rate of fifty-six cents per

mile, less any actual mileage reimbursement from the employer; and

- i. Employer reimbursed out-of-pocket expenses of employment, if included in gross income, but excluded from adjusted gross income on the obligor's federal income tax return.
7. "Obligee" includes, for purposes of this chapter, an obligee as defined in North Dakota Century Code section 14-09-09.10 and a person who is alleged to be owed a duty of support on behalf of a child.
8. "Obligor" includes, for purposes of this chapter, an obligor as defined in North Dakota Century Code section 14-09-09.10 and a person who is alleged to owe a duty of support.
9. "Parent with primary residential responsibility" means a parent who acts as the primary caregiver on a regular basis for a proportion of time greater than the obligor, regardless of descriptions such as "shared" or "joint" parental rights and responsibilities given in relevant judgments, decrees, or orders.
10. "Self-employment" means employment that results in an obligor earning income from any business organization or entity which the obligor is, to a significant extent, able to directly or indirectly control. For purposes of this chapter, it also includes any activity that generates income from rental property, royalties, business gains, partnerships, trusts, corporations, and any other organization or entity regardless of form and regardless of whether such activity would be considered self-employment activity under the Internal Revenue Code.
11. "Split parental rights and responsibilities" means a situation where the parents have more than one child in common, and where each parent has primary residential responsibility for at least one child.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; October 1, 2008; April 1, 2010; July 1, 2011; September 1, 2015.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-05. Determination of net income from self-employment.

1. Net income from self-employment means total income, for internal revenue service purposes, of the obligor:
 - a. Reduced by that amount, if any, of:
 - (1) That total income that is not the obligor's income or that is otherwise included in gross income; and

- (2) With respect to a partnership or a small business corporation for which an election under 26 U.S.C. section 1362(a) is in effect and over which the obligor is not able to exercise direct or indirect control to a significant extent, that income of the partnership or small business corporation which is not available, and has not yet been distributed, to the obligor; and
- b. Increased by that amount, if any, for:
 - (1) Business expenses attributable to the obligor or a member of the obligor's household for employee's or proprietor's benefits, pensions, and profit-sharing plans;
 - (2) Payments made from the obligor's self-employment activity to a member of the obligor's household, other than the obligor, to the extent the payment exceeds the fair market value of the service furnished by the household member; and
 - (3) With respect to a corporation that pays its own tax over which the obligor is able to exercise direct or indirect control to a significant extent, the taxable income of the corporation, less the corporation's federal income tax, multiplied by seventy percent of the obligor's ownership interest in the corporation.
2. "Member of the obligor's household" includes any individual who shares the obligor's home a substantial part of the time, without regard to whether that individual maintains another home.
3. If the tax returns are not available or do not reasonably reflect the income from self-employment, profit and loss statements which more accurately reflect the current status must be used.
4. Self-employment activities may experience significant changes in production and income over time. To the extent that information is reasonably available, the average of the most recent five years of each self-employment activity, if undertaken on a substantially similar scale, must be used to determine self-employment income. When self-employment activity has not been operated on a substantially similar scale for five years, a shorter period may be used.
5. When averaging self-employment income pursuant to subsection 4, no amount may be included in income for one year that was previously included in income for any other year during the period being averaged.
6. When less than three years were averaged under subsection 4, a loss resulting from the averaging may be used to reduce other income that is not related to the self-employment activity that produced the loss only if the loss is not related to a hobby activity and monthly gross income,

reduced by one-twelfth of the average annual self-employment loss, equals or exceeds the greatest of:

- a. A monthly amount equal to one hundred sixty-seven times the hourly federal minimum wage;
 - b. An amount equal to six-tenths of this state's statewide average earnings for persons with similar work history and occupational qualifications; or
 - c. An amount equal to eighty percent of the obligor's greatest average gross monthly earnings, calculated without using self-employment losses, in any twelve consecutive months ~~beginning on or after twenty-four months~~ included in the current calendar year and the two previous calendar years before commencement of the proceeding before the court.
7. When three or more years were averaged under subsection 4, a loss resulting from the averaging may be used to reduce other income that is not related to the self-employment activity that produced the loss only if the loss is not related to a hobby activity, losses were calculated for no more than forty percent of the years averaged, and monthly gross income, reduced by one-twelfth of the average annual self-employment loss, equals or exceeds the greatest of:
- a. A monthly amount equal to one hundred sixty-seven times the hourly federal minimum wage;
 - b. An amount equal to six-tenths of this state's statewide average earnings for persons with similar work history and occupational qualifications; or
 - c. An amount equal to ninety percent of the obligor's greatest average gross monthly earnings, calculated without using self-employment losses, in any twelve consecutive months ~~beginning on or after twenty-four months~~ included in the current calendar year and the two previous calendar years before commencement of the proceeding before the court.
8. For purposes of subsections 6 and 7, an activity is presumed to be a hobby activity if the result from averaging is a loss. The presumption may be rebutted if the obligor shows that the activity is not done primarily for enjoyment purposes, is a vocation and not an avocation and, in the context of the child support obligation, there is a reasonable expectation that the children will receive long-term benefits.
9. Net income from self-employment is an example of gross income and is subject to the deductions from gross income set forth in subsection 6

of section 75-02-04.1-01, to the extent not already deducted when calculating net income from self-employment.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; October 1, 2008; July 1, 2011; September 1, 2015.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-07. Imputing income based on earning capacity.

1. For purposes of this section:
 - a. "Earnings" includes in-kind income and amounts received in lieu of actual earnings, such as social security benefits, workers' compensation wage replacement benefits, unemployment insurance benefits, veterans' benefits, and earned income tax credits; and
 - b. An obligor is "underemployed" if the obligor's gross income from earnings is significantly less than ~~the~~ this state's statewide average earnings for persons with similar work history and occupational qualifications.
2. An obligor is presumed to be underemployed if the obligor's gross income from earnings is less than:
 - a. Six-tenths of ~~the~~ this state's statewide average earnings for persons with similar work history and occupational qualifications; or
 - b. A monthly amount equal to one hundred sixty-seven times the federal hourly minimum wage.
3. Except as provided in subsections 4, 5, 6, 7, 8, 9, 10, and 11, gross income based on earning capacity equal to the greatest of subdivisions a through c, less actual gross earnings, must be imputed to an obligor who is unemployed or underemployed.
 - a. A monthly amount equal to one hundred sixty-seven times the hourly federal minimum wage.
 - b. An amount equal to six-tenths of ~~the~~ this state's statewide average earnings for persons with similar work history and occupational qualifications.
 - c. An amount equal to ninety percent of the obligor's greatest average gross monthly earnings, in any twelve consecutive months ~~beginning on or after twenty-four months~~ included in the current calendar year and the two previous calendar years before

commencement of the proceeding before the court, for which reliable evidence is provided.

4. Monthly gross income based on earning capacity may be imputed in an amount less than would be imputed under subsection 3 if the obligor shows:
 - a. The reasonable cost of child care equals or exceeds seventy percent of the income which would otherwise be imputed where the care is for the obligor's child:
 - (1) For whom the obligor has primary residential responsibility;
 - (2) Who is under the age of fourteen; and
 - (3) For whom there is no other adult caretaker in the parent's home available to meet the child's needs during absence due to employment.
 - b. The obligor suffers from a disability sufficient in severity to reasonably preclude the obligor from gainful employment that produces average monthly gross earnings equal to one hundred sixty-seven times the hourly federal minimum wage and subdivision b of subsection 7 does not apply.
 - c. The unusual emotional or physical needs of a minor child of the obligor require the obligor's presence in the home for a proportion of the time so great as to preclude the obligor from gainful employment that produces average monthly gross earnings equal to one hundred sixty-seven times the hourly federal minimum wage.
5. Gross income based on earning capacity may not be imputed if the obligor shows that the obligor has average monthly gross earnings equal to or greater than one hundred sixty-seven times the hourly federal minimum wage and is not underemployed.
6. If an unemployed or underemployed obligor shows that employment opportunities, which would provide earnings at least equal to the lesser of the amounts determined under subdivision b or c of subsection 3, are unavailable within one hundred miles [160.93 kilometers] of the obligor's actual place of residence, income must be imputed based on earning capacity equal to the amount determined under subdivision a of subsection 3, less actual gross earnings.
7. a. ~~Monthly~~ Unless subdivision b applies, monthly gross income based on earning capacity may not be imputed under subsection 3 in an amount greater than one-half of one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the

obligor is under eighteen years of age or is under nineteen years of age and enrolled in and attending high school.

- b. Monthly gross income based on earning capacity may not be imputed under subsection 3 if the ~~obligor~~ obligor is receiving:
 - (1) Supplemental security income payments;
 - (2) Social security disability benefits;
 - (3) Workers' compensation wage replacement benefits; or
 - (4) Total and permanent disability benefits paid by the railroad retirement board.

- 8. a. ~~If~~ Unless subdivision d applies, if an obligor is incarcerated, monthly gross income based on earning capacity may not be imputed under subsection 3:
 - (1) In an amount greater than one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the obligor has been incarcerated for less than one year;
 - (2) In an amount greater than eighty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the obligor has been incarcerated for at least one year but less than two years;
 - (3) In an amount greater than sixty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the obligor has been incarcerated for at least two years but less than three years;
 - (4) In an amount greater than forty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the obligor has been incarcerated for at least three years but less than four years;
 - (5) In an amount greater than twenty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the obligor has been incarcerated for at least four years but less than five years; or
 - (6) In any amount if the obligor has been incarcerated for at least five years.

- b. For purposes of this subsection, "incarcerated" means physically confined to a prison, jail, or other correctional facility.

- c. In determining the length of time an obligor has been incarcerated for purposes of applying subdivision a, only continuous periods of actual confinement may be considered except that any periods representing work release may not be considered.
 - d. If an incarcerated obligor is receiving, or immediately prior to incarceration was receiving, any payment listed in subdivision b of subsection 7, income may not be imputed in any amount.
- 9. If the obligor fails, upon reasonable request made in any proceeding to establish a child support obligation, to furnish reliable information concerning the obligor's gross income from earnings, and if that information cannot be reasonably obtained from sources other than the obligor, income based on earning capacity equal to the greatest of subdivisions a through c of subsection 3 must be imputed: based on the greatest of:
 - a. A monthly amount equal to one hundred sixty-seven times the hourly federal minimum wage.
 - b. An amount equal to one hundred percent of this state's statewide average earnings for persons with similar work history and occupational qualifications.
 - c. An amount equal to ninety percent of the obligor's greatest average gross monthly earnings, in any twelve consecutive months included in the current calendar year and the two previous calendar years before commencement of the proceeding before the court, for which reliable evidence is provided.
- 10. If the obligor fails, upon reasonable request made in any proceeding to review a child support obligation, to furnish reliable information concerning the obligor's gross income from earnings, and if that information cannot be reasonably obtained from sources other than the obligor, income must be imputed based on the greatest of:
 - a. Subdivisions a through c of subsection 3; or
 - b. The obligor's net income, at the time the child support order was entered or last modified, increased at the rate of ten percent per year.
- 11. Notwithstanding subsections 4, 5, 6, and 7, if an obligor makes a voluntary change in employment resulting in reduction of income, monthly gross income equal to one hundred percent of the obligor's greatest average monthly earnings, in any twelve consecutive months beginning on or after twenty-four months included in the current calendar year and the two previous calendar years before commencement of the proceeding before the court, for which reliable

evidence is provided, less actual monthly gross earnings, may be imputed without a showing that the obligor is unemployed or underemployed. For purposes of this subsection, a voluntary change in employment is a change made for the purpose of reducing the obligor's child support obligation and may include becoming unemployed, taking into consideration the obligor's work history, education, health, age, stated reason for change in employment, likely employment status if the family before the court were intact, and any other relevant factors. The burden of proof is on the obligor to show that the change in employment was not made for the purpose of reducing the obligor's child support obligation.

12. Imputed income based on earning capacity is an example of gross income and is subject to the deductions from gross income set forth in subsection 6 of section 75-02-04.1-01.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; October 1, 2008; July 1, 2011; September 1, 2015.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-08.1. Adjustment for extended parenting time.

1. For purposes of this section, "extended parenting time" means parenting time between an obligor and a child living with an obligee scheduled by court order to exceed sixty of ninety consecutive nights or an annual total of one hundred sixty-four nights.
2. Notwithstanding any other provision of this chapter and as limited by subsection 3, if a court order provides for extended parenting time between an obligor and a child living with an obligee, the support obligation presumed to be the correct child support amount due on behalf of all children of the obligor living with the obligee must be determined under this subsection.
 - a. Determine the amount otherwise due under this chapter from the obligor for those children.
 - b. Divide the amount determined under subdivision a by the number of those children.
 - c. For each child, multiply the number of that child's parenting time nights times .32 and subtract the resulting amount from three hundred sixty-five.
 - d. Divide the result determined under subdivision c by three hundred sixty-five.

- e. Multiply the amount determined under subdivision b times each decimal fraction determined under subdivision d.
 - f. Total all amounts determined under subdivision e.
3. An adjustment for extended parenting time is not authorized if the parents of a child for whom support is being determined have equal residential responsibility according to section 75-02-04.1-08.2.

History: Effective August 1, 1999; amended effective July 1, 2011; September 1, 2015.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(12); 42 USC 667

75-02-04.1-08.2. Equal residential responsibility - Determination of child support obligation. A child support obligation must be determined as described in this section in all cases in which a court orders each parent to have equal residential responsibility for their child or children. Equal residential responsibility means each parent has residential responsibility for the child; or ~~if there are multiple children, all of the children;~~ for an equal amount of time as determined by the court. A if equal residential responsibility is ordered for all the children, a child support obligation for each parent must be calculated under this chapter, and specifically ordered, assuming the other parent has primary residential responsibility for the child or children subject to the equal residential responsibility order. If equal residential responsibility is not ordered for all the children, a child support obligation must be calculated and specifically ordered for each parent for the children for whom the other parent has primary residential responsibility plus the children for whom the parents have equal residential responsibility. The lesser obligation is then subtracted from the greater. The difference is the child support amount owed by the parent with the greater obligation. Each parent is an obligee to the extent of the other parent's calculated obligation. Each parent is an obligor to the extent of that parent's calculated obligation. The offset of child support obligations in this section is for payment purposes only and must be discontinued for any month in which the rights to support of a child for whom the obligation was determined are assigned to a government agency as a condition of receiving public assistance.

History: Effective August 1, 2003; amended effective October 1, 2008; July 1, 2011; September 1, 2015.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-09. Criteria for rebuttal of guideline amount.

- 1. The child support amount provided for under this chapter, except for subsection 2, is presumed to be the correct amount of child support. No rebuttal of the guidelines may be based upon evidence of factors described or applied in this chapter, except in subsection 2, or upon:

- a. ~~The~~ Except as provided in subdivision m of subsection 2, the subsistence needs, work expenses, and daily living expenses of the obligor; or
 - b. Except as provided for in subdivision ~~m~~ n of subsection 2, the income of the obligee, which is reflected in a substantial monetary and nonmonetary contribution to the child's basic care and needs by virtue of being a parent with primary residential responsibility.
2. The presumption that the amount of child support that would result from the application of this chapter, except for this subsection, is the correct amount of child support is rebutted only if a preponderance of the evidence establishes that a deviation from the guidelines is in the best interest of the supported children and:
- a. The increased need if support for more than six children is sought in the matter before the court;
 - b. The increased ability of an obligor, with a monthly net income which exceeds ~~twelve~~ twenty-five thousand ~~five-hundred~~ dollars, to provide additional child support based on demonstrated needs of the child, including, if applicable, needs arising from activities in which a child participated while the child's family was intact;
 - c. The increased need if educational costs have been voluntarily incurred, at private schools, with the prior written concurrence of the obligor;
 - d. The increased needs of children with disabling conditions or chronic illness;
 - e. The increased needs of children age twelve and older;
 - f. The increased needs of children related to the cost of child care, purchased by the obligee, for reasonable purposes related to employment, job search, education, or training;
 - g. The increased ability of an obligor, whose net income has been substantially reduced as a result of depreciation and to whom income has been imputed under section 75-02-04.1-07, to provide child support;
 - h. The increased ability of an obligor, who is able to secure additional income from assets, to provide child support;
 - i. The increased ability of an obligor, who has engaged in an asset transaction for the purpose of reducing the obligor's income available for payment of child support, to provide child support;

- j. The reduced ability of an obligor who is responsible for all parenting-time expenses to provide support due to travel expenses incurred predominantly for the purpose of visiting a child who is the subject of the order taking into consideration the amount of court-ordered parenting time and, when such history is available, actual expenses and practices of the parties;
 - k. The reduced ability of the obligor to pay child support due to a situation, over which the obligor has little or no control, which requires the obligor to incur a continued or fixed expense for other than subsistence needs, work expenses, or daily living expenses, and which is not otherwise described in this subsection;
 - l. The reduced ability of the obligor to provide support due to the obligor's health care needs, to the extent that the costs of meeting those health care needs:
 - (1) Exceed ten percent of the obligor's gross income;
 - (2) Have been incurred and are reasonably certain to continue to be incurred by the obligor;
 - (3) Are not subject to payment or reimbursement from any source except the obligor's income; and
 - (4) Are necessary to prevent or delay the death of the obligor or to avoid a significant loss of income to the obligor; ~~or.~~
 - m. The reduced ability of the obligor to provide support when the obligor is in the military, is on a temporary duty assignment, and must maintain two households as a result of the assignment; or
 - ~~nn.~~ n. The reduced needs of the child to support from the obligor in situations where the net income of the obligee is at least three times higher than the net income of the obligor.
3. Assets may not be considered under subdivisions h and i of subsection 2, to the extent they:
 - a. Are exempt under North Dakota Century Code section 47-18-01;
 - b. Consist of necessary household goods and furnishings; or
 - c. Include one motor vehicle in which the obligor owns an equity not in excess of twenty thousand dollars.
 4. For purposes of subdivision i of subsection 2, a transaction is presumed to have been made for the purpose of reducing the obligor's income available for the payment of child support if:

- a. The transaction occurred after the birth of a child entitled to support;
 - b. The transaction occurred no more than twenty-four months before the commencement of the proceeding that initially established the support order; and
 - c. The obligor's income is less than it likely would have been if the transaction had not taken place.
5. For purposes of subdivision k of subsection 2, a situation over which the obligor has little or no control does not exist if the situation arises out of spousal support payments, discretionary purchases, or illegal activity.
 6. For purposes of subdivisions a through f of subsection 2, any adjustment shall be made to the child support amount resulting from application of this chapter. When section 75-02-04.1-03 or 75-02-04.1-08.2 applies, the adjustment must be made to the parent's obligation before the lesser obligation is subtracted from the greater obligation.
 7. For purposes of subdivisions g through l of subsection 2, any adjustment shall be made to the obligor's net income.
 8. For purposes of subdivision m of subsection 2, any adjustment shall be made to the child support amount resulting from application of this chapter after taking into consideration the proportion by which the obligee's net income exceeds the obligor's net income. When section 75-02-04.1-03 or 75-02-04.1-08.2 applies, the adjustment must be made to the parent's obligation before the lesser obligation is subtracted from the greater obligation.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; July 1, 2008; April 1, 2010; July 1, 2011; September 1, 2015.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-10. Child support amount. The amount of child support payable by the obligor is determined by the application of the following schedule to the obligor's monthly net income and the number of children for whom support is being sought in the matter before the court.

Obligor's Monthly Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six or More Children
100 or less	14	17	20	22	24	26
200	28	34	40	44	48	52
300	42	51	60	66	72	78

400	56	68	80	88	96	104
500	82	100	117	130	143	155
600	108	131	155	172	189	207
700	134	163	192	214	236	258
800	160	195	229	256	283	309
900	186	226	267	298	329	361
1000	212	258	304	340	376	412
1100	238	290	341	382	423	463
1200	264	321	379	424	469	515
1300	290	353	416	466	516	566
1400	316	385	453	508	563	617
1500	342	416	491	550	609	669
1600	368	448	528	592	656	720
1700	384	476	562	630	696	761
1800	400	505	596	668	736	803
1900	416	533	631	706	776	844
2000	431	562	665	744	816	885
2100	447	590	699	781	856	926
2200	463	619	733	819	896	968
2300	479	647	767	857	936	1009
2400	495	676	802	895	976	1050
2500	511	704	836	933	1017	1091
2600	527	733	870	971	1057	1133
2700	542	761	904	1009	1097	1174
2800	558	789	939	1047	1137	1215
2900	574	818	973	1084	1177	1257
3000	590	846	1007	1122	1217	1298
3100	606	875	1041	1160	1257	1339
3200	622	903	1075	1198	1297	1380
3300	637	932	1110	1236	1337	1422
3400	653	960	1144	1274	1377	1463
3500	669	989	1178	1312	1417	1504
3600	685	1017	1212	1350	1457	1545
3700	701	1045	1246	1387	1497	1587
3800	717	1074	1281	1425	1537	1628
3900	733	1102	1315	1463	1577	1669

4000	748	1131	1349	1501	1617	1710
4100	764	1159	1383	1539	1658	1752
4200	780	1188	1417	1577	1698	1793
4300	796	1216	1452	1615	1738	1834
4400	812	1245	1486	1653	1778	1876
4500	828	1273	1520	1691	1818	1917
4600	844	1302	1554	1728	1858	1958
4700	859	1330	1589	1766	1898	1999
4800	875	1358	1623	1804	1938	2041
4900	891	1387	1657	1842	1978	2082
5000	907	1415	1691	1880	2018	2123
5100	923	1444	1725	1918	2058	2164
5200	939	1472	1760	1956	2098	2206
5300	954	1501	1794	1994	2138	2247
5400	970	1529	1828	2031	2178	2288
5500	986	1558	1862	2069	2218	2330
5600	1002	1586	1896	2107	2258	2371
5700	1018	1614	1931	2145	2298	2412
5800	1034	1643	1965	2183	2339	2453
5900	1050	1671	1999	2221	2379	2495
6000	1065	1700	2033	2259	2419	2536
6100	1081	1728	2067	2297	2459	2577
6200	1097	1757	2102	2334	2499	2618
6300	1113	1785	2136	2372	2539	2660
6400	1129	1814	2170	2410	2579	2701
6500	1145	1842	2204	2448	2619	2742
6600	1161	1871	2239	2486	2659	2784
6700	1176	1899	2273	2524	2699	2825
6800	1192	1927	2307	2562	2739	2866
6900	1208	1956	2341	2600	2779	2907
7000	1224	1984	2375	2638	2819	2949
7100	1240	2013	2410	2675	2859	2990
7200	1256	2041	2444	2713	2899	3031
7300	1271	2070	2478	2751	2939	3072
7400	1287	2098	2512	2789	2979	3114
7500	1303	2127	2546	2827	3020	3155

7600	1319	2155	2581	2865	3060	3196
7700	1335	2183	2615	2903	3100	3237
7800	1351	2212	2649	2941	3140	3279
7900	1367	2240	2683	2978	3180	3320
8000	1382	2269	2717	3016	3220	3361
8100	1398	2297	2752	3054	3260	3403
8200	1414	2326	2786	3092	3300	3444
8300	1430	2354	2820	3130	3340	3485
8400	1446	2383	2854	3168	3380	3526
8500	1462	2411	2888	3206	3420	3568
8600	1478	2440	2923	3244	3460	3609
8700	1493	2468	2957	3281	3500	3650
8800	1509	2496	2991	3319	3540	3691
8900	1525	2525	3025	3357	3580	3733
9000	1541	2553	3060	3395	3620	3774
9100	1557	2582	3094	3433	3661	3815
9200	1573	2610	3128	3471	3701	3857
9300	1588	2639	3162	3509	3741	3898
9400	1604	2667	3196	3547	3781	3939
9500	1620	2696	3231	3585	3821	3980
9600	1636	2724	3265	3622	3861	4022
9700	1652	2752	3299	3660	3901	4063
9800	1668	2781	3333	3698	3941	4104
9900	1684	2809	3367	3736	3981	4145
10000	1699	2838	3402	3774	4021	4187
10100	1715	2866 <u>2847</u>	3436 <u>3412</u>	3812 <u>3785</u>	4061 <u>4034</u>	4228 <u>4202</u>
10200	4731 <u>1730</u>	2894 <u>2857</u>	3470 <u>3423</u>	3849 <u>3797</u>	4101 <u>4047</u>	4270 <u>4218</u>
10300	4747 <u>1745</u>	2923 <u>2866</u>	3504 <u>3434</u>	3887 <u>3808</u>	4141 <u>4061</u>	4311 <u>4233</u>
10400	4763 <u>1760</u>	2951 <u>2875</u>	3538 <u>3444</u>	3924 <u>3820</u>	4181 <u>4074</u>	4352 <u>4248</u>
10500	4780 <u>1775</u>	2979 <u>2885</u>	3572 <u>3455</u>	3962 <u>3831</u>	4221 <u>4087</u>	4394 <u>4264</u>
10600	4796 <u>1789</u>	3007 <u>2894</u>	3605 <u>3466</u>	4000 <u>3843</u>	4260 <u>4100</u>	4435 <u>4279</u>

10700	4812 <u>1804</u>	3035 <u>2904</u>	3639 <u>3476</u>	4037 <u>3854</u>	4300 <u>4113</u>	4476 <u>4295</u>
10800	4828 <u>1819</u>	3064 <u>2913</u>	3673 <u>3487</u>	4075 <u>3866</u>	4340 <u>4127</u>	4517 <u>4310</u>
10900	4844 <u>1833</u>	3092 <u>2923</u>	3707 <u>3498</u>	4112 <u>3878</u>	4380 <u>4140</u>	4559 <u>4325</u>
11000	4860 <u>1848</u>	3120 <u>2932</u>	3741 <u>3508</u>	4150 <u>3889</u>	4420 <u>4153</u>	4600 <u>4341</u>
11100	4876 <u>1863</u>	3148 <u>2941</u>	3775 <u>3519</u>	4188 <u>3901</u>	4460 <u>4166</u>	4641 <u>4356</u>
11200	4892 <u>1877</u>	3176 <u>2951</u>	3809 <u>3529</u>	4225 <u>3912</u>	4500 <u>4179</u>	4683 <u>4372</u>
11300	4908 <u>1892</u>	3205 <u>2960</u>	3843 <u>3540</u>	4263 <u>3924</u>	4540 <u>4193</u>	4724 <u>4387</u>
11400	4924 <u>1906</u>	3233 <u>2970</u>	3877 <u>3551</u>	4300 <u>3935</u>	4580 <u>4206</u>	4765 <u>4403</u>
11500	4941 <u>1921</u>	3261 <u>2979</u>	3911 <u>3561</u>	4338 <u>3947</u>	4620 <u>4219</u>	4807 <u>4418</u>
11600	4957 <u>1935</u>	3289 <u>2988</u>	3945 <u>3572</u>	4376 <u>3958</u>	4659 <u>4232</u>	4848 <u>4433</u>
11700	4973 <u>1949</u>	3317 <u>2998</u>	3978 <u>3583</u>	4413 <u>3970</u>	4699 <u>4245</u>	4889 <u>4449</u>
11800	4989 <u>1964</u>	3346 <u>3007</u>	4012 <u>3593</u>	4451 <u>3981</u>	4739 <u>4258</u>	4930 <u>4464</u>
11900	2005 <u>1978</u>	3374 <u>3017</u>	4046 <u>3604</u>	4488 <u>3993</u>	4779 <u>4272</u>	4972 <u>4480</u>
12000	2021 <u>1992</u>	3402 <u>3026</u>	4080 <u>3615</u>	4526 <u>4004</u>	4819 <u>4285</u>	5013 <u>4495</u>
12100	2037 <u>2006</u>	3430 <u>3035</u>	4114 <u>3625</u>	4564 <u>4016</u>	4859 <u>4298</u>	5054 <u>4511</u>
12200	2053 <u>2020</u>	3458 <u>3045</u>	4148 <u>3636</u>	4604 <u>4027</u>	4899 <u>4311</u>	5096 <u>4526</u>
12300	2069 <u>2034</u>	3487 <u>3054</u>	4182 <u>3647</u>	4639 <u>4039</u>	4939 <u>4324</u>	5137 <u>4541</u>
12400	2085 <u>2048</u>	3515 <u>3064</u>	4216 <u>3657</u>	4676 <u>4050</u>	4979 <u>4338</u>	5178 <u>4557</u>
12500 or more	2102 <u>2063</u>	3543 <u>3073</u>	4250 <u>3668</u>	4714 <u>4062</u>	5019 <u>4351</u>	5220 <u>4572</u>
12600	<u>2076</u>	<u>3083</u>	<u>3679</u>	<u>4073</u>	<u>4364</u>	<u>4588</u>
12700	<u>2090</u>	<u>3092</u>	<u>3689</u>	<u>4085</u>	<u>4377</u>	<u>4603</u>
12800	<u>2104</u>	<u>3101</u>	<u>3700</u>	<u>4096</u>	<u>4390</u>	<u>4618</u>

<u>12900</u>	<u>2118</u>	<u>3111</u>	<u>3711</u>	<u>4108</u>	<u>4404</u>	<u>4634</u>
<u>13000</u>	<u>2132</u>	<u>3120</u>	<u>3721</u>	<u>4119</u>	<u>4417</u>	<u>4649</u>
<u>13100</u>	<u>2146</u>	<u>3130</u>	<u>3732</u>	<u>4131</u>	<u>4430</u>	<u>4665</u>
<u>13200</u>	<u>2160</u>	<u>3139</u>	<u>3743</u>	<u>4142</u>	<u>4443</u>	<u>4680</u>
<u>13300</u>	<u>2173</u>	<u>3148</u>	<u>3753</u>	<u>4154</u>	<u>4456</u>	<u>4696</u>
<u>13400</u>	<u>2187</u>	<u>3158</u>	<u>3764</u>	<u>4165</u>	<u>4469</u>	<u>4711</u>
<u>13500</u>	<u>2201</u>	<u>3167</u>	<u>3775</u>	<u>4177</u>	<u>4483</u>	<u>4726</u>
<u>13600</u>	<u>2214</u>	<u>3177</u>	<u>3785</u>	<u>4188</u>	<u>4496</u>	<u>4742</u>
<u>13700</u>	<u>2228</u>	<u>3186</u>	<u>3796</u>	<u>4200</u>	<u>4509</u>	<u>4757</u>
<u>13800</u>	<u>2241</u>	<u>3196</u>	<u>3806</u>	<u>4211</u>	<u>4522</u>	<u>4773</u>
<u>13900</u>	<u>2255</u>	<u>3205</u>	<u>3817</u>	<u>4223</u>	<u>4535</u>	<u>4788</u>
<u>14000</u>	<u>2268</u>	<u>3214</u>	<u>3828</u>	<u>4234</u>	<u>4549</u>	<u>4803</u>
<u>14100</u>	<u>2281</u>	<u>3224</u>	<u>3838</u>	<u>4246</u>	<u>4562</u>	<u>4819</u>
<u>14200</u>	<u>2295</u>	<u>3233</u>	<u>3849</u>	<u>4257</u>	<u>4575</u>	<u>4834</u>
<u>14300</u>	<u>2308</u>	<u>3243</u>	<u>3860</u>	<u>4269</u>	<u>4588</u>	<u>4850</u>
<u>14400</u>	<u>2321</u>	<u>3252</u>	<u>3870</u>	<u>4280</u>	<u>4601</u>	<u>4865</u>
<u>14500</u>	<u>2335</u>	<u>3261</u>	<u>3881</u>	<u>4292</u>	<u>4615</u>	<u>4881</u>
<u>14600</u>	<u>2348</u>	<u>3271</u>	<u>3892</u>	<u>4303</u>	<u>4628</u>	<u>4896</u>
<u>14700</u>	<u>2361</u>	<u>3280</u>	<u>3902</u>	<u>4315</u>	<u>4641</u>	<u>4911</u>
<u>14800</u>	<u>2374</u>	<u>3290</u>	<u>3913</u>	<u>4326</u>	<u>4654</u>	<u>4927</u>
<u>14900</u>	<u>2387</u>	<u>3299</u>	<u>3924</u>	<u>4338</u>	<u>4667</u>	<u>4942</u>
<u>15000</u>	<u>2400</u>	<u>3308</u>	<u>3934</u>	<u>4349</u>	<u>4681</u>	<u>4958</u>
<u>15100</u>	<u>2413</u>	<u>3318</u>	<u>3945</u>	<u>4361</u>	<u>4694</u>	<u>4973</u>
<u>15200</u>	<u>2426</u>	<u>3327</u>	<u>3956</u>	<u>4372</u>	<u>4707</u>	<u>4989</u>
<u>15300</u>	<u>2439</u>	<u>3337</u>	<u>3966</u>	<u>4384</u>	<u>4720</u>	<u>5004</u>
<u>15400</u>	<u>2452</u>	<u>3346</u>	<u>3977</u>	<u>4395</u>	<u>4733</u>	<u>5019</u>
<u>15500</u>	<u>2465</u>	<u>3356</u>	<u>3988</u>	<u>4407</u>	<u>4746</u>	<u>5035</u>
<u>15600</u>	<u>2477</u>	<u>3365</u>	<u>3998</u>	<u>4418</u>	<u>4760</u>	<u>5050</u>
<u>15700</u>	<u>2490</u>	<u>3374</u>	<u>4009</u>	<u>4430</u>	<u>4773</u>	<u>5066</u>
<u>15800</u>	<u>2503</u>	<u>3384</u>	<u>4020</u>	<u>4442</u>	<u>4786</u>	<u>5081</u>
<u>15900</u>	<u>2515</u>	<u>3393</u>	<u>4030</u>	<u>4453</u>	<u>4799</u>	<u>5096</u>
<u>16000</u>	<u>2528</u>	<u>3403</u>	<u>4041</u>	<u>4465</u>	<u>4812</u>	<u>5112</u>
<u>16100</u>	<u>2541</u>	<u>3412</u>	<u>4051</u>	<u>4476</u>	<u>4826</u>	<u>5127</u>
<u>16200</u>	<u>2553</u>	<u>3421</u>	<u>4062</u>	<u>4488</u>	<u>4839</u>	<u>5143</u>
<u>16300</u>	<u>2566</u>	<u>3431</u>	<u>4073</u>	<u>4499</u>	<u>4852</u>	<u>5158</u>
<u>16400</u>	<u>2578</u>	<u>3440</u>	<u>4083</u>	<u>4511</u>	<u>4865</u>	<u>5174</u>

<u>16500</u>	<u>2591</u>	<u>3450</u>	<u>4094</u>	<u>4522</u>	<u>4878</u>	<u>5189</u>
<u>16600</u>	<u>2603</u>	<u>3459</u>	<u>4105</u>	<u>4534</u>	<u>4892</u>	<u>5204</u>
<u>16700</u>	<u>2615</u>	<u>3468</u>	<u>4115</u>	<u>4545</u>	<u>4905</u>	<u>5220</u>
<u>16800</u>	<u>2628</u>	<u>3478</u>	<u>4126</u>	<u>4557</u>	<u>4918</u>	<u>5235</u>
<u>16900</u>	<u>2640</u>	<u>3487</u>	<u>4137</u>	<u>4568</u>	<u>4931</u>	<u>5251</u>
<u>17000</u>	<u>2652</u>	<u>3497</u>	<u>4147</u>	<u>4580</u>	<u>4944</u>	<u>5266</u>
<u>17100</u>	<u>2664</u>	<u>3506</u>	<u>4158</u>	<u>4591</u>	<u>4958</u>	<u>5282</u>
<u>17200</u>	<u>2676</u>	<u>3516</u>	<u>4169</u>	<u>4603</u>	<u>4971</u>	<u>5297</u>
<u>17300</u>	<u>2688</u>	<u>3525</u>	<u>4179</u>	<u>4614</u>	<u>4984</u>	<u>5312</u>
<u>17400</u>	<u>2700</u>	<u>3534</u>	<u>4190</u>	<u>4626</u>	<u>4997</u>	<u>5328</u>
<u>17500</u>	<u>2713</u>	<u>3544</u>	<u>4201</u>	<u>4637</u>	<u>5010</u>	<u>5343</u>
<u>17600</u>	<u>2724</u>	<u>3553</u>	<u>4211</u>	<u>4649</u>	<u>5023</u>	<u>5359</u>
<u>17700</u>	<u>2736</u>	<u>3563</u>	<u>4222</u>	<u>4660</u>	<u>5037</u>	<u>5374</u>
<u>17800</u>	<u>2748</u>	<u>3572</u>	<u>4233</u>	<u>4672</u>	<u>5050</u>	<u>5389</u>
<u>17900</u>	<u>2760</u>	<u>3581</u>	<u>4243</u>	<u>4683</u>	<u>5063</u>	<u>5405</u>
<u>18000</u>	<u>2772</u>	<u>3591</u>	<u>4254</u>	<u>4695</u>	<u>5076</u>	<u>5420</u>
<u>18100</u>	<u>2784</u>	<u>3600</u>	<u>4265</u>	<u>4706</u>	<u>5089</u>	<u>5436</u>
<u>18200</u>	<u>2796</u>	<u>3610</u>	<u>4275</u>	<u>4718</u>	<u>5103</u>	<u>5451</u>
<u>18300</u>	<u>2807</u>	<u>3619</u>	<u>4286</u>	<u>4729</u>	<u>5116</u>	<u>5467</u>
<u>18400</u>	<u>2819</u>	<u>3629</u>	<u>4297</u>	<u>4741</u>	<u>5129</u>	<u>5482</u>
<u>18500</u>	<u>2831</u>	<u>3638</u>	<u>4307</u>	<u>4752</u>	<u>5142</u>	<u>5497</u>
<u>18600</u>	<u>2842</u>	<u>3647</u>	<u>4318</u>	<u>4764</u>	<u>5155</u>	<u>5513</u>
<u>18700</u>	<u>2854</u>	<u>3657</u>	<u>4328</u>	<u>4775</u>	<u>5169</u>	<u>5528</u>
<u>18800</u>	<u>2865</u>	<u>3666</u>	<u>4339</u>	<u>4787</u>	<u>5182</u>	<u>5544</u>
<u>18900</u>	<u>2877</u>	<u>3676</u>	<u>4350</u>	<u>4798</u>	<u>5195</u>	<u>5559</u>
<u>19000</u>	<u>2888</u>	<u>3685</u>	<u>4360</u>	<u>4810</u>	<u>5208</u>	<u>5574</u>
<u>19100</u>	<u>2899</u>	<u>3694</u>	<u>4371</u>	<u>4821</u>	<u>5221</u>	<u>5590</u>
<u>19200</u>	<u>2911</u>	<u>3704</u>	<u>4382</u>	<u>4833</u>	<u>5235</u>	<u>5605</u>
<u>19300</u>	<u>2922</u>	<u>3713</u>	<u>4392</u>	<u>4844</u>	<u>5248</u>	<u>5621</u>
<u>19400</u>	<u>2933</u>	<u>3723</u>	<u>4403</u>	<u>4856</u>	<u>5261</u>	<u>5636</u>
<u>19500</u>	<u>2945</u>	<u>3732</u>	<u>4414</u>	<u>4867</u>	<u>5274</u>	<u>5652</u>
<u>19600</u>	<u>2956</u>	<u>3741</u>	<u>4424</u>	<u>4879</u>	<u>5287</u>	<u>5667</u>
<u>19700</u>	<u>2967</u>	<u>3751</u>	<u>4435</u>	<u>4890</u>	<u>5300</u>	<u>5682</u>
<u>19800</u>	<u>2978</u>	<u>3760</u>	<u>4446</u>	<u>4902</u>	<u>5314</u>	<u>5698</u>
<u>19900</u>	<u>2989</u>	<u>3770</u>	<u>4456</u>	<u>4913</u>	<u>5327</u>	<u>5713</u>
<u>20000</u>	<u>3000</u>	<u>3779</u>	<u>4467</u>	<u>4925</u>	<u>5340</u>	<u>5729</u>

<u>20100</u>	<u>3011</u>	<u>3789</u>	<u>4478</u>	<u>4936</u>	<u>5353</u>	<u>5744</u>
<u>20200</u>	<u>3022</u>	<u>3798</u>	<u>4488</u>	<u>4948</u>	<u>5366</u>	<u>5760</u>
<u>20300</u>	<u>3033</u>	<u>3807</u>	<u>4499</u>	<u>4959</u>	<u>5380</u>	<u>5775</u>
<u>20400</u>	<u>3044</u>	<u>3817</u>	<u>4510</u>	<u>4971</u>	<u>5393</u>	<u>5790</u>
<u>20500</u>	<u>3055</u>	<u>3826</u>	<u>4520</u>	<u>4982</u>	<u>5406</u>	<u>5806</u>
<u>20600</u>	<u>3065</u>	<u>3836</u>	<u>4531</u>	<u>4994</u>	<u>5419</u>	<u>5821</u>
<u>20700</u>	<u>3076</u>	<u>3845</u>	<u>4542</u>	<u>5005</u>	<u>5432</u>	<u>5837</u>
<u>20800</u>	<u>3087</u>	<u>3854</u>	<u>4552</u>	<u>5017</u>	<u>5446</u>	<u>5852</u>
<u>20900</u>	<u>3097</u>	<u>3864</u>	<u>4563</u>	<u>5029</u>	<u>5459</u>	<u>5867</u>
<u>21000</u>	<u>3108</u>	<u>3873</u>	<u>4574</u>	<u>5040</u>	<u>5472</u>	<u>5883</u>
<u>21100</u>	<u>3119</u>	<u>3883</u>	<u>4584</u>	<u>5052</u>	<u>5485</u>	<u>5898</u>
<u>21200</u>	<u>3129</u>	<u>3892</u>	<u>4595</u>	<u>5063</u>	<u>5498</u>	<u>5914</u>
<u>21300</u>	<u>3140</u>	<u>3902</u>	<u>4605</u>	<u>5075</u>	<u>5512</u>	<u>5929</u>
<u>21400</u>	<u>3150</u>	<u>3911</u>	<u>4616</u>	<u>5086</u>	<u>5525</u>	<u>5945</u>
<u>21500</u>	<u>3161</u>	<u>3920</u>	<u>4627</u>	<u>5098</u>	<u>5538</u>	<u>5960</u>
<u>21600</u>	<u>3171</u>	<u>3930</u>	<u>4637</u>	<u>5109</u>	<u>5551</u>	<u>5975</u>
<u>21700</u>	<u>3181</u>	<u>3939</u>	<u>4648</u>	<u>5121</u>	<u>5564</u>	<u>5991</u>
<u>21800</u>	<u>3192</u>	<u>3949</u>	<u>4659</u>	<u>5132</u>	<u>5577</u>	<u>6006</u>
<u>21900</u>	<u>3202</u>	<u>3958</u>	<u>4669</u>	<u>5144</u>	<u>5591</u>	<u>6022</u>
<u>22000</u>	<u>3212</u>	<u>3967</u>	<u>4680</u>	<u>5155</u>	<u>5604</u>	<u>6037</u>
<u>22100</u>	<u>3222</u>	<u>3977</u>	<u>4691</u>	<u>5167</u>	<u>5617</u>	<u>6053</u>
<u>22200</u>	<u>3232</u>	<u>3986</u>	<u>4701</u>	<u>5178</u>	<u>5630</u>	<u>6068</u>
<u>22300</u>	<u>3242</u>	<u>3996</u>	<u>4712</u>	<u>5190</u>	<u>5643</u>	<u>6083</u>
<u>22400</u>	<u>3252</u>	<u>4005</u>	<u>4723</u>	<u>5201</u>	<u>5657</u>	<u>6099</u>
<u>22500</u>	<u>3263</u>	<u>4014</u>	<u>4733</u>	<u>5213</u>	<u>5670</u>	<u>6114</u>
<u>22600</u>	<u>3272</u>	<u>4024</u>	<u>4744</u>	<u>5224</u>	<u>5683</u>	<u>6130</u>
<u>22700</u>	<u>3282</u>	<u>4033</u>	<u>4755</u>	<u>5236</u>	<u>5696</u>	<u>6145</u>
<u>22800</u>	<u>3292</u>	<u>4043</u>	<u>4765</u>	<u>5247</u>	<u>5709</u>	<u>6160</u>
<u>22900</u>	<u>3302</u>	<u>4052</u>	<u>4776</u>	<u>5259</u>	<u>5723</u>	<u>6176</u>
<u>23000</u>	<u>3312</u>	<u>4062</u>	<u>4787</u>	<u>5270</u>	<u>5736</u>	<u>6191</u>
<u>23100</u>	<u>3322</u>	<u>4071</u>	<u>4797</u>	<u>5282</u>	<u>5749</u>	<u>6207</u>
<u>23200</u>	<u>3332</u>	<u>4080</u>	<u>4808</u>	<u>5293</u>	<u>5762</u>	<u>6222</u>
<u>23300</u>	<u>3341</u>	<u>4090</u>	<u>4819</u>	<u>5305</u>	<u>5775</u>	<u>6238</u>
<u>23400</u>	<u>3351</u>	<u>4099</u>	<u>4829</u>	<u>5316</u>	<u>5788</u>	<u>6253</u>
<u>23500</u>	<u>3361</u>	<u>4109</u>	<u>4840</u>	<u>5328</u>	<u>5802</u>	<u>6268</u>
<u>23600</u>	<u>3370</u>	<u>4118</u>	<u>4850</u>	<u>5339</u>	<u>5815</u>	<u>6284</u>

<u>23700</u>	<u>3380</u>	<u>4127</u>	<u>4861</u>	<u>5351</u>	<u>5828</u>	<u>6299</u>
<u>23800</u>	<u>3389</u>	<u>4137</u>	<u>4872</u>	<u>5362</u>	<u>5841</u>	<u>6315</u>
<u>23900</u>	<u>3399</u>	<u>4146</u>	<u>4882</u>	<u>5374</u>	<u>5854</u>	<u>6330</u>
<u>24000</u>	<u>3408</u>	<u>4156</u>	<u>4893</u>	<u>5385</u>	<u>5868</u>	<u>6345</u>
<u>24100</u>	<u>3417</u>	<u>4165</u>	<u>4904</u>	<u>5397</u>	<u>5881</u>	<u>6361</u>
<u>24200</u>	<u>3427</u>	<u>4174</u>	<u>4914</u>	<u>5408</u>	<u>5894</u>	<u>6376</u>
<u>24300</u>	<u>3436</u>	<u>4184</u>	<u>4925</u>	<u>5420</u>	<u>5907</u>	<u>6392</u>
<u>24400</u>	<u>3445</u>	<u>4193</u>	<u>4936</u>	<u>5431</u>	<u>5920</u>	<u>6407</u>
<u>24500</u>	<u>3455</u>	<u>4203</u>	<u>4946</u>	<u>5443</u>	<u>5934</u>	<u>6423</u>
<u>24600</u>	<u>3464</u>	<u>4212</u>	<u>4957</u>	<u>5454</u>	<u>5947</u>	<u>6438</u>
<u>24700</u>	<u>3473</u>	<u>4222</u>	<u>4968</u>	<u>5466</u>	<u>5960</u>	<u>6453</u>
<u>24800</u>	<u>3482</u>	<u>4231</u>	<u>4978</u>	<u>5477</u>	<u>5973</u>	<u>6469</u>
<u>24900</u>	<u>3491</u>	<u>4240</u>	<u>4989</u>	<u>5489</u>	<u>5986</u>	<u>6484</u>
<u>25000 or more</u>	<u>3500</u>	<u>4250</u>	<u>5000</u>	<u>5500</u>	<u>6000</u>	<u>6500</u>

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 2003; July 1, 2011; September 1, 2015.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667