

## CHAPTER 8-10 COMMON CARRIERS OF MESSAGES

### **8-10-01. Telegraph company must maintain sufficient equipment.**

All persons, corporations, and companies doing a public telegraph business within the state shall maintain sufficient wires and equipment to give prompt service and dispatch.

### **8-10-02. Order of transmission and delivery of telegraph messages.**

A carrier of messages by telegraph, if it is practicable, shall transmit every such message immediately upon its receipt and shall promptly deliver all messages received in any telegraph office within the state if it is in the power of the telegraph company to locate the party to whom the message is addressed. If this is not practicable and several messages accumulate upon the carrier's hands, the carrier shall transmit and deliver them in the following order:

1. Messages on public business from public agents of the United States or this state.
2. Messages intended in good faith for immediate publication in newspapers and not for any secret use.
3. Messages giving information relating to the sickness or death of any person.
4. Other messages in the order in which they were received.

### **8-10-03. Order of transmission of messages other than telegraph.**

A common carrier of messages otherwise than by telegraph shall transmit messages in the order in which the carrier receives them, except that priority must always be given to messages on public business from agents of the United States or this state. The carrier may fix upon certain times for the simultaneous transmission of messages previously received.

### **8-10-04. Damages when message is refused or delayed.**

Every person whose message is refused, postponed, or delayed contrary to the provisions of sections 8-10-02 and 8-10-03 is entitled to recover from the carrier that person's actual damages and additional damages for mental distress and anguish caused by the refusal, delay, or postponement.

### **8-10-05. Messages transmitted promptly.**

All messages left at the office of any telegraph office must be transmitted promptly if said message is prepaid by the sender. In no case may a full-rate message remain at the telegraph office unsent more than thirty minutes except in case of accident to the lines or during severe storms.

### **8-10-06. Transfer of messages.**

Repealed by S.L. 1975, ch. 106, § 673.

### **8-10-07. Unlawful use of telegraph or telephone lines.**

Repealed by S.L. 1975, ch. 106, § 673.

#### **8-10-07.1. Telephone calls with intent to annoy - Misdemeanor.**

Repealed by S.L. 1975, ch. 106, § 673.

#### **8-10-07.2. Unlawful use of telecommunications devices - Penalty.**

A person is guilty of a class A misdemeanor if the person willfully:

1. Makes or possesses any device adapted or which can be adapted to obtain telecommunications services, or to conceal from any supplier of telecommunications services the existence, place of origin, or the destination of any telecommunications;
2. Sells, gives, or otherwise transfers to another, such a device; or
3. Offers or advertises such a device for sale, or offers or advertises plans or instructions for making or assembling the same;

under circumstances evincing intent to use such a device, or to allow such a device, or plans or instructions therefor, to be used, or knowing or having reason to believe that the same is intended to be used to fraudulently obtain telecommunications services.

**8-10-07.3. Unlawful publication of telecommunications credit card numbers or codes.**

Every person who willfully publishes the number or code of an existing, canceled, revoked, expired, or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful telecommunications toll charge is guilty of a class A misdemeanor.

**8-10-08. Injury to telephone and telegraph lines.**

Repealed by S.L. 1975, ch. 106, § 673.

**8-10-09. Disclosing telegraph and telephone messages - Penalty.**

Every person who willfully obtains any knowledge of a telegraphic or telephonic message, by connivance with a clerk, operator, messenger, or other employee of a telegraph or telephone company, and every clerk, operator, messenger, or other employee who willfully divulges to any but the person for whom it was intended, the contents of any telephonic or telegraphic message entrusted to that person for transmission or delivery, or the nature thereof, or who willfully refuses or fails to duly transmit or deliver any such message, is guilty of a class A misdemeanor.

**8-10-10. Secreting telegraphic dispatch.**

Every person having in that person's possession any telegraphic dispatch addressed to another, who willfully secretes, conceals, or suppresses it, is guilty of a class A misdemeanor.

**8-10-11. Interruption of telecommunications in kidnapping or hostage emergency - Duty of telecommunications company to assist - Prohibited communications - Penalty.**

1. As used in this section, "peace officer" has the same meaning as in section 12.1-01-04.
2. A peace officer with supervisory control over an incident in which that peace officer has probable cause to believe that an individual could suffer injury or death as a result of the incident may order a telecommunications company to cut, reroute, or divert telecommunications transmissions for the purpose of controlling communications. Nothing in this section may deny the telecommunications company reimbursement for the value of services provided in or damage resulting from compliance with the supervising peace officer's order.
3. Each telecommunications company shall designate an employee to serve as a security official and to provide assistance as required by the supervising peace officer under this section.
4. An individual may not initiate telecommunications with a suspected violator if that individual knows that an order has been issued under subsection 2. Violation of this subsection is a class B misdemeanor.

**8-10-12. Exemption from liability for interruption of telephone communications.**

Good-faith reliance on an order issued under section 8-10-11 is a complete defense to any legal action brought for interruption of telephone communications occurring because of section 8-10-11.