

N.D.A.G. Letter to Schmiess (April 1, 1985)

April 1, 1985

Mr. Al Schmiess DDS
Administrative Assistant
North Dakota State Board of
Dental Examiners
P.O. Box 1175
Jamestown, North Dakota 58401

Dear Dr. Schmiess:

Thank you for your letter of January 23, 1985, requesting an Attorney General's opinion on the issue of when a dentist may charge interest on late payments made on a dental bill.

N.D.C.C. § 13-01-14 was amended by the Legislature in 1983. A copy of this section is attached for your information. This amendment was subsequent to the district court ruling in 1982 which allowed utilities to impose a late charge. However, the amended section of the statute is more specific than the prior statute which was the subject of the court's ruling.

In 1981, this office issued Attorney General's Opinion No. 81-59. This opinion was requested by you and asked whether the term "medical," as used in N.D.C.C. § 13-01-14(4)(c), applies to persons engaged in the practice of dentistry. This opinion is still valid even as applied to the current statute.

It is our opinion at this time that N.D.C.C. § 13-01-14(4) (c), taken in conjunction with the 1981 Attorney General's opinion, will not allow dentists to assess a late charge on unpaid bills.

Sincerely,

Nicholas J. Spaeth

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Enclosure