Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1141
(Representatives Larson, Beadle, Boschee, Hanson, Louser)

AN ACT to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to inclusion of a dispute over disposition of earnest money or other money deposit arising from a contract to purchase real property within the jurisdiction and venue of small claims court proceedings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

27-08.1-01. Small claims court - Jurisdictional limits - Venue.

1. All judges of the district courts may exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of that jurisdiction must be known and referred to as the "small claims court". The jurisdiction of this court is confined to cases for recovery of money, or the cancellation of any agreement involving material fraud, deception, misrepresentation, or false promise, when the value of the agreement or the amount claimed by the plaintiff or the defendant does not exceed fifteen thousand dollars.

2. The proceedings in this court must be commenced:

   a. If the defendant is a corporation, limited liability company, or a partnership, in any county in which the defendant has a place of business or in any county in which the subject matter of the claim occurred.

   b. If the claim is for collection of a check written without sufficient funds or without an account, in the county where the check was passed, or in the county of the defendant's residence or place of business.

   c. If the defendant is an individual and the claim is for collection of an open account on which credit has been extended:

      (1) In the county of the defendant's residence or place of business; or

      (2) If the amount of the claim is less than one thousand dollars and is not from a telephone or mail order transaction, in the county where the transaction occurred or in the county of the defendant's residence or place of business.

   d. If the defendant is an individual and the claim is not made under subdivision b or c, in the county of the defendant's residence.

   e. If the defendant is an individual and the claim arose as the result of the defendant's lease of real property <u>or as the result of a dispute over disposition of earnest money or other money deposit arising from a contract to purchase real property</u>, ~~in the county where the defendant resides or~~ in the county where the real property is located <u>unless the plaintiff and the defendant consent in writing to a proceeding in a different county</u>.

   f. If the plaintiff is a political subdivision and the claim is for a public utility debt, in the county in which the political subdivision is located.

3. Except for an action under subdivision c, e, or f of subsection 2, the defendant may elect to remove the action to a small claims court in the defendant's county of residence. A claim may not be filed by an assignee of that claim. A garnishment or attachment may not issue from this court until after judgment is entered.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1141.

House Vote:	Yeas 89	Nays 2	Absent 3
Senate Vote:	Yeas 44	Nays 1	Absent 2

Chief Clerk of the House

Received by the Governor at 12:37 P.M. on April 14, 2015.

Approved at 10:23 A.M. on April 15, 2015.

Governor

Filed in this office this 15th day of April, 2015,

at 2:49 o'clock P M.

Secretary of State