

JUDICIAL PROCEDURE, CIVIL

CHAPTER 203

S. B. No. 186
(Day)

ACTIONS OUT OF CROP DUSTING—LIMITATIONS

AN ACT

Relating to actions arising out of the use or application of any herbicide, insecticide, fungicide or agricultural chemical by aircraft; provision for filing reports of loss and time limitations.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Limitations For Actions.) No civil action shall be commenced arising out of the use or application of any herbicide, insecticide, fungicide or agricultural chemical by aircraft, unless the claimant has filed a verified report of the loss with the state of North Dakota aeronautics commission, together with proof of service of such verified report of loss upon the operator or applicator allegedly responsible and the person for whom such work was done within a period of 60 days from the occurrence of such loss or within 60 days from the date the claimant knew such loss had occurred, provided, however, if the damage is alleged to have been occasioned to growing crops, the report shall be filed prior to the time when 50 percent of the crop was harvested.

§ 2. Contents of Verified Reports.) The verified report of the loss as set forth in section one herein shall include, so far as known to the claimant the following: name and address of claimant, type, kind, and location of property allegedly injured or damaged, date the alleged injury or damage occurred, name of operator or applicator allegedly responsible for such loss or damage, and the name of the owner or occupant of the property for whom such operator or applicator was rendering labor or services.

Approved March 9, 1955.

CHAPTER 204

S. B. No. 87
(Day)

SERVICE OF PROCESS; NON-RESIDENT HIGHWAY USERS

AN ACT

To amend and reenact section 28-0611 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to service of process upon non-resident highway users.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 28-0611 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-0611. Nonresident Motor Vehicle User; Service Upon.) The use and operation by a resident of this state or his agent, or by a nonresident or his agent, of a motor vehicle upon or over the highways of this state shall be deemed an appointment by such resident when he has been absent from this state continuously for six months or more following an accident or by such nonresident at any time, of the highway commissioner of this state to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him growing out of the use or operation of the motor vehicle resulting in damages or loss to person or property, whether the damage or loss occurs upon a public highway or upon public or private property, and such use or operation shall constitute an agreement that any such process in any action against him which is so served shall have the same legal force and effect as if served upon him personally, or, in case of his death, that such process shall have the same legal force and effect as if served upon the administrator of his estate. Service of the summons in such case may be made by delivering a copy thereof to the highway commissioner together with a fee of two dollars.

Approved March 2, 1955.

CHAPTER 205

H. B. No. 666
(Gefreh, Stockman, Beede)
(and Brooks)

AFFIDAVITS OF PREJUDICE IN DISTRICT COURT

AN ACT

To amend and reenact section 28-1301 of the North Dakota Revised Code of 1943, relating to affidavits of prejudice in district court.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 28-1301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-1301. Prejudice Or Bias of Judge; Affidavit; Filing.) When either party to a civil action pending in any of the district courts of this state, after issue joined and before the opening of any regular, special, or adjourned term at which the cause is to be tried, shall file an affidavit stating that he has reason to believe and does believe that he cannot have a fair and impartial trial or hearing before the judge presiding at the term of court at which such action is to be tried, by reason of the bias and prejudice of such judge, the judge shall proceed no further in the action and thereupon shall be disqualified to do any further act in the cause. Such affidavit may be made by the party or by his attorney on his behalf.

Approved March 1, 1955.

CHAPTER 206

S. B. No. 190
(Bridston and Duffy)

RENEWAL AND CANCELLATION OF JUDGMENT

AN ACT

Relating to renewal and cancellation of judgments.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Cancellation of Judgment of Record.) After ten years after the entry of a judgment that has not been renewed, or after twenty years after the entry of a judgment that has been renewed, the judgment shall be canceled of record.

Approved March 5, 1955.

CHAPTER 207

H. B. No. 629
(Beede and Gefreh)

ORDERS OF THE INSURANCE COMMISSIONER; APPEAL

AN ACT

To provide for appeal from orders of the insurance commissioner and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Any order or decision of the insurance commissioner, unless otherwise specifically provided for by law, shall be subject to review or appeal in the courts of this state, in the manner provided by chapter 28-32 of the North Dakota Revised Code of 1943 as the same has been or may hereafter be amended.

§ 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.