

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1427

Introduced by

Representative Weiler

1 A BILL for an Act to amend and reenact sections 32-09.1-05, 32-09.1-10, and 32-09.1-14 of the
2 North Dakota Century Code, relating to garnishment disclosure fees and default judgments;
3 and to provide for a legislative council study of garnishment laws.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 32-09.1-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **32-09.1-05. Service on office of management and budget - Fees.** Service upon the
8 state of North Dakota, or any state institution, department, or agency ~~thereof~~, as garnishee,
9 may be made upon the director of the office of management and budget in the manner
10 provided by law for service in garnishment proceedings, including the fee to be tendered and
11 paid the office of management and budget for making and filing an affidavit of disclosure in the
12 amount of ~~ten~~ twenty-five dollars. The fee ~~shall~~ must be ~~paid into~~ deposited in the state
13 treasury.

14 **SECTION 2. AMENDMENT.** Section 32-09.1-10 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **32-09.1-10. Disclosure fees.** In all garnishment proceedings, the plaintiff, when the
17 garnishee summons is served upon the garnishee, shall tender to the garnishee the sum of ~~ten~~
18 twenty-five dollars as the fee for making an affidavit of disclosure.

19 **SECTION 3. AMENDMENT.** Section 32-09.1-14 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **32-09.1-14. Default.** If any garnishee who is duly summoned willfully fails to serve
22 disclosure as required in this chapter, the court, upon proof by affidavit of the creditor, may
23 render judgment against the garnishee for an amount not exceeding the plaintiff's judgment
24 against the defendant or one hundred ten percent of the amount which remains unpaid,

1 whichever is the smaller, ~~but the~~. The creditor shall serve the garnishee with a copy of the
2 affidavit and a notice of intent to take default judgment. The court upon good cause shown
3 may remove the default and permit the garnishee to disclose on terms as may be just.

4 **SECTION 4. LEGISLATIVE COUNCIL STUDY - GARNISHMENT LAWS.** During the
5 2003-04 interim, the legislative council shall consider studying garnishment laws and
6 procedures of the state, including the garnishment forms under North Dakota Century Code
7 chapter 32-09.1, and whether actions may be taken to update, clarify, and simplify the forms
8 and garnishment proceedings. If the study is conducted, the legislative council shall report its
9 findings and recommendations, together with any legislation required to implement the
10 recommendations, to the fifty-ninth legislative assembly.